CHAPTER cclii.

An Act for incorporating a Company for the construction of a railway between Bawtry and Scrooby and West Stockwith and of a dock at West Stockwith. A.D. 1882.

[18th August 1882.]

WHEREAS the construction of railways in the county of Nottingham between Bawtry and Scrooby and West Stockwith and of a dock at West Stockwith would be of public and local advantage:

And whereas the persons in this Act named are willing with others at their own expense to construct such railways and dock and it is expedient that they be incorporated into a company for that purpose:

And whereas plans and sections of the said railways and dock showing the lines and levels thereof with a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands through which the said railways will pass and on which the said dock is to be constructed have been deposited with the clerk of the peace for the county of Nottingham and are herein-after referred to as "the deposited plans sections and book of reference":

And whereas the purposes aforesaid cannot be accomplished 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 as the Bawtry and Trent Railway and Dock Act 1882. Short title.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118

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32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.
10 & 11 Vict. c. 27.

Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 and the Harbours Docks and Piers Clauses Act 1847 are (except when expressly varied by this Act) incorporated with and form part of this Act.

Provided that in sections thirteen eighteen and nineteen of the Railways Clauses Act 1863 the expressions "work" and "railway" shall for the purposes of this Act be taken to mean the railway dock and works authorised by this Act:

Provided also that the provisions of the Harbours Docks and Piers Clauses Act 1847 in regard to lifeboats and in regard to keeping a tide and weather gauge shall not apply to the undertaking authorised by this Act except in so far as the Board of Trade by notice in writing may require the Company to observe and conform to the same.

Interpretation.

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 such construction:

"The Company" means the Company incorporated by this Act;

"The railway" or "the railways" "the dock" and "the undertaking" mean respectively the railways and the dock and the undertaking by this Act authorised;

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 simple contract debt and not a debt or demand created by statute.

Company incorporated.

4. Sir Wilford Brett John Sunley Alfred George Sharpe and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railways and dock and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Bawtry and Trent Railway and Dock 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.

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Power to make railways and dock.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and dock herein-after described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes:

The railways herein-before referred to and authorised by this Act are—

1. A Railway No. 1 ten miles six furlongs five chains in length commencing by a junction with Railway No. 2 of the authorised Rotherham and Bawtry Railway in the parish of Scrooby in the county of Nottingham and terminating near to West Stockwith in the parish of Misterton in the said county;
2. A Railway No. 2 five furlongs seven chains in length commencing in the said parish of Scrooby by a junction with Railway No. 1 and terminating in the same parish by a junction with the main line of the Great Northern Railway near the bridge carrying that railway over the old turnpike road from Bawtry to Gainsborough;
3. A Railway No. 3 four furlongs six chains in length commencing in the parish of Walkeringham in the said county by a junction with Railway No. 1 and terminating in the same parish by a junction with the loop line of the Great Northern Railway near the bridge which carries the said loop line over Fox-cover Lane;
4. A Railway No. 4 four furlongs in length commencing in the said parish of Walkeringham by a junction with Railway No. 1 and terminating in the same parish by a junction with the loop line of the Great Northern Railway near the bridge which carries the public road from West Stockwith to Walkeringham over the said loop line;

The dock herein-before referred to and authorised by this Act is—

A dock (with a lock or entrance from the River Trent) situate wholly in the township of West Stockwith in the said parish of Misterton on the west side of the public highway leading from West Stockwith to Heck Dyke;

Provided that except with the consent of the owner or owners thereof for the time being the Company shall not enter upon take or use the lands delineated on the deposited plans and described in the deposited book of reference and therein respectively referred to

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as number 4 in the parish of Everton and number 12A in the parish of Walkeringham.

Power to make subsidiary works.

6. The Company may make provide and maintain in connexion with the above-mentioned works or any of them all necessary or convenient locks gates opening and other bridges graving docks slip docks lift docks timber ponds or floats shipping places wharves quays jetties landing-stages slips rails trams sidings stations platforms ways approaches warehouses sheds buildings cranes hydraulic lifts drops gridirons moorings buoys dolphins culverts sluices drains and other works and conveniences.

For protection of Rotherham and Bawtry Railway Company.

(1) As to communication with the Rotherham and Bawtry Railway.

7. (1) The communication between the railway by this Act authorised and the Rotherham and Bawtry Railway (herein-after called "the Rotherham Railway") and all openings in the rails of the Rotherham Railway shall be made only at such points thereon as the Rotherham and Bawtry Railway Company (herein-after called "the Rotherham Company") do by writing under their common seal approve and all such communications and openings and all sidings side lines and works at or in connexion with the junction hereby authorised with the Rotherham Railway which may be made for the reception accommodation and delivery of the traffic of the Company whether on the land of the Company or on the land of the Rotherham Company shall be made by the Company under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Rotherham Company but at the sole expense of the Company and except so far as the Company and the Rotherham Company otherwise agree shall be for ever thereafter maintained and kept in good repair by and at the expense of the Company and all such communications openings and works shall be made and maintained in such manner and by such means only as shall not in anywise injure or prejudice the Rotherham Railway or the works or property of the Rotherham Company or interfere with the traffic on the Rotherham Railway or the free and uninterrupted use thereof by that company and in case of any difference arising as to the matters aforesaid the same shall be determined by a referee to be appointed by the Board of Trade on the application of either party.

(2) Rotherham and Bawtry Railway Company may erect signals, &c.

(2) The Rotherham Company from time to time may erect such signals and conveniences incident thereto and appoint and remove such watchmen switchmen or other persons as the Rotherham Company may deem necessary for the prevention of danger to or interference with the traffic at and near the junction between the railway of the Company and the Rotherham Railway and the

working and management of the junction and of such signals and conveniences whether on the lands of the Rotherham Company or on land of the Company shall be under the exclusive management and regulation of the Rotherham Company and all the expense of making and maintaining the junction and such signals and conveniences and the wages of such watchmen switchmen and other persons and all incidental current expenses shall be repaid by the Company to the Rotherham Company as regards the expense of erection at the end of the current half year in which the same is incurred and as regards all such other expenses and wages at the end of every half year and in default of such repayment the amount of such expenses and wages may be recovered from the Company by the Rotherham Company in any court of competent jurisdiction.

(3) Lands of the Rotherham and Bawtry Railway Company not to be taken without consent.

(3) The Company shall not for the purpose of the junction hereinbefore referred to take or enter upon any lands of the Rotherham Company without the consent in writing of that company first had and obtained: Provided that the Company may purchase and take from the Rotherham Company and that company shall if so required by the Company grant in perpetuity to the Company an easement or right of using for the purposes of the said junction and the works and conveniences necessary in connexion therewith such parts of the lands of the Rotherham Company as are necessary for those purposes.

(4) Saving rights of the Rotherham and Bawtry Railway Company.

(4) Except as is by this Act expressly provided this Act or anything therein contained shall not take away lessen alter or prejudice any of the rights privileges powers or authorities of the Rotherham Company.

For the protection of the Great Northern Railway Company.

8. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the railways by this Act authorised and the junctions thereof with the Great Northern Railway and with respect to the making and maintaining of those railways shall unless with the previous consent of the Great Northern Railway Company (herein-after called the Great Northern Company) in writing under their common seal be exercised only subject to and in accordance with the following provisions:

(1) The Company shall not without in every case the previous consent of the Great Northern Company in writing under their common seal take use enter upon or interfere with any land railway siding or other work from time to time belonging to or worked by the Great Northern Company except only so far as shall be necessary for the purposes of making and main-

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taining the said railways as the same are according to this Act to be constructed;

(2) With respect to any land of the Great Northern Company which the Company is by this Act authorised to take use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Great Northern Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same;

(3) Railway No. 1 shall be carried over the main line of the Great Northern Company by one arch or opening not less than fifty feet span on the square with a headway above the upper surface of the rails of not less than fourteen feet six inches throughout;

(4) Railway No. 1 shall be carried over the loop line of the Great Northern Railway Company by one arch or opening not less than fifty feet span on the square with a headway above the upper surface of the rails of not less than fourteen feet six inches throughout;

(5) The junction of Railway No. 2 with the main line of the Great Northern Company near Bawtry Station and the junctions of Railways Nos. 3 and 4 with the loop line of the Great Northern Company near Walkeringham Station shall be effected at such point and in such manner and according to such mode of construction as shall be reasonably approved of by Mr. Richard Johnson or other the engineer for the time being of the Great Northern Company before the commencement of the work;

(6) The said railways by this Act authorised where the same will be made upon or across or will otherwise interfere with any railway siding or other work belonging to or worked by the Great Northern Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be submitted to and previously approved by the said Richard Johnson or other the engineer for the time being of the Great Northern Company who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided;

(7) The Company shall not in any manner in the execution of any of their works remove or disturb any of the rails of the

Great Northern Company's railways sidings or other works or interfere with the free uninterrupted and safe use of the same or of any traffic thereon;

(8) The Company shall bear and on demand pay to the Great Northern Company the expense of the employment by that company during the execution of any work affecting any railway siding or other work of that company of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of the Company or their contractors with reference thereto or otherwise;

(9) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors or otherwise any railway siding or other work of the Great Northern Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Great Northern Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction And if any interruption or delay shall be occasioned to the traffic of or upon any such railway siding or other work of the Great Northern Company by reason of any of the matters or causes aforesaid the Company shall pay to the Great Northern Company all costs and expenses to which that company may be thereby put as well as full compensation for all loss and inconvenience sustained by them by reason of any such interruption or delay such costs expenses and compensation to be recoverable with full costs by the Great Northern Company from the Company in any court of competent jurisdiction;

(10) The Company shall at all times maintain the bridges arches openings or other works by which their railways are carried across the railways sidings or other works of the Great Northern Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the said Richard Johnson or other the engineer for the time being of that company And if and whenever the Company fail so to do the

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Great Northern Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the Great Northern Company may reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by the Great Northern Company from the Company in any court of competent jurisdiction;

(11) If the Great Northern Company shall at any time hereafter be desirous for the purpose of forming branches or sidings of constructing bridges under or over the said railways the Company shall afford to the Great Northern Company all reasonable and proper facilities for the construction of such bridges according to plans to be agreed on between the respective engineers for the time being of the two companies or in case of difference to be determined by arbitration as hereafter provided;

(12) If any difference shall arise between the Company and the Great Northern Company or their respective engineers as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

(13) In order to facilitate the transmission of traffic between all places upon or beyond the Great Northern Railway and places on the railways by this Act authorised the Company and any other railway company lawfully using or working their railways shall at all times hereafter afford to the Great Northern Company all proper reasonable and necessary facilities for the convenient working forwarding and conveyance of such traffic including among other things through booking through tickets and invoices through rates and fares and so far as reasonably may be through carriages and waggons and shall perform and provide at the several stations upon the railways hereby authorised all proper and sufficient facilities and services in the reception forwarding transmission conveyance and delivery of such traffic and shall accommodate manage and forward the said traffic and give such facilities and services as effectually regularly and expeditiously as if it were their own proper traffic and the rates and charges for such traffic and the payment of tolls rates and charges and the arrangements to be made in respect of such traffic shall be agreed on between the

two companies or failing agreement shall be determined by arbitration in manner provided by the Railway Companies Arbitration Act 1859.

For protection of the Manchester Sheffield and Lincolnshire Railway Company.

9. In carrying Railway No. 1 by this Act authorised across the canal of the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Sheffield Company") the following provisions shall apply to and be obligatory upon the Company:

1. The Company shall carry the railway over the canal of the Sheffield Company at the proposed crossings thereof according to plans and specifications to be reasonably approved by and to be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Sheffield Company and in all things at the expense of the Company;
2. The railway shall be carried over the canal of the Sheffield Company by means of girder bridges the piers or abutments thereof shall be parallel with that canal and the bridges over the canal of the Sheffield Company shall each have a single span of not less than fifty feet measured at right angles with the abutments thereof and a clear height or headway of not less than twenty feet for the entire width thereof;
3. The Company shall so far as is necessary to preserve the uninterrupted use of the canal of the Sheffield Company at all times maintain the bridges and other works by which the railway shall be so carried over the canal of the Sheffield Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Sheffield Company and if and whenever the Company fail so to do the Sheffield Company may make or do in and upon as well the lands of the Company as their own lands such necessary repairs and the reasonable amount of such expenditure shall be repaid to the Sheffield Company by the Company and in default of payment may be recovered by them from the Company with full costs in any court of competent jurisdiction;
4. The Company and their contractors agents servants or workmen shall not in constructing or repairing the railway and works over the canal of the Sheffield Company obstruct impede or interfere with the free and uninterrupted and safe use of the canal or other works of the Sheffield Company or any traffic thereon;
5. The Company shall be responsible for and make good to the Sheffield Company all costs losses damages and expenses

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which may be occasioned to that company or to any of the works or property thereof or to the traffic thereon or otherwise by reason of the execution or improper maintenance of the railway and the works in connexion therewith or of any act or omission relative thereto of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the Sheffield Company from all claims and demands upon or against them by reason of such execution or improper maintenance and of any such act or omission;

6. The Company shall not in any case without the previous consent under the common seal of the Sheffield Company take use enter upon or interfere with the works lands or property at any time belonging to or in the possession or under the power of the Sheffield Company except only such part or parts thereof respectively as it shall be necessary for the Company to take use enter upon or interfere with for making and maintaining the bridges and other works by which the railway is under the provisions of this Act to be carried across the canal of the Sheffield Company;

7. With respect to the works lands or property of the Sheffield Company which the Company are by this Act authorised to take use enter upon or interfere with the Company shall not purchase and take the same but they may purchase and take and the Sheffield Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same;

8. If any difference arises between the Company and the Sheffield Company or their respective engineers as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration;

9. Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the Sheffield Company otherwise than is herein expressly provided.

Capital.

10. The capital of the Company shall be four hundred thousand pounds in forty thousand shares of ten pounds each.

Shares not to be issued until one-

11. The Company shall not issue any share created under the authority of this Act nor shall any share vest in the person or

corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

fifth has been paid up.

12. One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval 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.

13. If any money is payable to a shareholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipts of persons not sui juris.

14. Subject to the provisions of this Act the Company with the authority of the votes of three fourths 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 half shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum on such share has been paid up and on 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.

15. 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 once for all 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.

16. 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 for

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

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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.

17. 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 but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share shall be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

18. 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.

19. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the forfeiture of shares for the 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 an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the share had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

Preferred half shares not to be cancelled or surrendered.

20. 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.

21. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) 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.

22. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole the sum of one hundred and thirty-three thousand three hundred and thirty-three pounds but no part thereof shall be borrowed until the whole capital of four hundred thousand pounds is 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 such capital has been 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 such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued in good faith and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or 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 a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a receiver.

23. The mortgagees of the undertaking 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 authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

Debenture stock.

24. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the same were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

25. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First ordinary meeting.

26. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Number of directors.

27. The number of directors shall be six but the Company may from time to time reduce the number provided that the number be not less than three.

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Qualification of directors.

28. The qualification of a director shall be the possession in his own right of not less than one hundred shares in the Company.

Quorum of directors.

29. The quorum of a meeting of directors shall be three but if the number of directors be reduced to three the quorum shall be two.

First directors.

30. Sir Wilford Brett John Sunley Alfred George Sharpe and three persons to be nominated by them or the majority of them and consenting to such nomination 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

Election of directors.

shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid 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 in person or by proxy shall (subject to the power hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors retiring from office in accordance with the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extraordinary purposes.

31. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres.

Period for compulsory purchase of lands.

32. 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 as regards lands for railways nor after the expiration of five years from the passing of this Act as regards lands for other purposes.

Power to owners to grant easements.

33. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable

in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1882.

Company not to be bound to sell lands demised.

34. Anything in the Lands Clauses Consolidation Act 1845 to the contrary notwithstanding the Company shall not be bound to sell or dispose of any lands which may be included in any lease made by them under the powers of the Harbours Docks and Piers Clauses Act 1847 or the reversion thereof.

Inclination of a certain road.

35. In altering for the purposes of this Act the public carriage road in the parish of Gringley-on-the-Hill numbered in that parish fifteen on the deposited plans the Company shall not without the consent in writing of the waywardens or surveyors of highways for the time being of that parish make the same of any inclination steeper than one in twenty.

Power to divert certain roads.

36. The Company may in accordance with the deposited plans and sections divert all roads shown upon the deposited plans as intended to be diverted and when and as in each case the diversion is made and open for use the Company may stop up so much of the existing road as will be rendered unnecessary by such diversion and all rights over such portion of the existing road shall be extinguished.

Power to deviate.

37. In the execution of the works authorised by this Act the Company may subject to the provisions of this Act deviate laterally from the lines shown on the deposited plans to any extent within the limits of deviation shown on the deposited plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding in the case of railways five feet upwards and five feet downwards and in the case of any other works five feet upwards and ten feet downwards Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

Powerto divert water into dock.

38. The Company may from time to time divert water from the River Trent for the purpose of supplying the dock with water.

Power to dredge and deepen the River Trent.

39. The Company shall have power from time to time subject to the approval of the Board of Trade in writing under the hand of one of their Secretaries or Assistant Secretaries to scour dredge and deepen the bed and shore of the River Trent opposite or at or near

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the entrance to the dock so far as may be necessary for the purpose of making and maintaining a convenient entrance to the dock and the Company may provide maintain and use dredgers hoppers and all other dredging and scouring appliances.

As to soil and material dredged by Company.

40. The Company may use and appropriate in the works connected with their undertaking the soil and material dredged by them from time to time and such soil and material as they are unable to use in such works they shall deposit above high-water mark of spring tides.

Lights to be exhibited during construction of works.

41. If during the making of the dock or any of the works connected therewith any temporary works or materials are placed on the River Trent the Company shall hang out and exhibit thereat or near thereto every night from sunset to sunrise lights to be kept burning and proper and sufficient for the navigation and safe guidance of vessels as the Board of Trade from time to time require and if the Company shall fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Power to purchase and hire steam vessels &c.

42. The Company may in connexion with the said dock purchase or hire steam vessels towing-boats lighters barges and other craft and may maintain work and use the same in connexion with the dock and may make any reasonable charge for towage service or other similar service rendered by the Company by means of the steam vessels towing-boats lighters barges and craft of the Company respectively and such charges shall be paid to the Company and be recovered by them in the same manner as the rates payable in respect of vessels using the dock are by this Act recoverable.

Deposit money not to be repaid except so far as railway opened.

43. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of eighteen thousand six hundred and eighty-seven pounds Consolidated Three Pounds per Cent. Annuities whereof a part thirteen thousand three hundred and ninety-six pounds (herein-after referred to as "the railway deposit fund") represents five per cent. upon the amount of the estimate for the railways authorised by this Act and the remainder five thousand two hundred and ninety-one pounds (herein-after referred to as "the dock deposit fund") represents four per cent. upon the amount of the estimate for the dock has been transferred into the Chancery Division of the High Court of Justice in England in respect of the application to Parliament for this Act Be it enacted that notwithstanding anything contained in this Act the railway

deposit fund 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 (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railways open the same for the public conveyance of passengers Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the railway deposit fund which bears to the whole of the railway deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the said Chancery Division shall on the application of the depositors or the majority of them order the portion of the railway deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall if signed by the Secretary or an Assistant-Secretary of the said Board be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

44. If the Company do not previously to the expiration of the period limited by this Act for the completion of the railways complete and open the same for the public conveyance of passengers then and in every such case the railway deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who may have been subjected to any injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of the railways and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the railway deposit fund has been found sufficient to satisfy all just claims in respect of such compensation

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then the railway deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the railway deposit fund has been repaid to the depositors or has 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 depositors.

Release of dock deposit fund.

45. On the application of the depositors by petition in a summary way at any time after the passing of this Act the Court may and shall order that the dock deposit fund and the interest and dividends thereon shall be transferred to the depositors or to any other person or persons whom the depositors may appoint in that behalf.

Period for completion of works.

46. If the respective works by this Act authorised are not completed within the respective periods herein-after mentioned then on the expiration of those respective periods the powers by this Act granted to the Company for making and completing the respective works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed (that is to say):

(A) As regards the railways five years from the passing of this Act; and

(B) As regards the dock eight years from the passing of this Act.

Tolls in respect of railways.

47. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following (that is to say):

In respect of passengers conveyed on the railways:

Class 1. For every person conveyed in a first-class carriage per mile twopence;

Class 2. For every person conveyed in a second-class carriage per mile one penny halfpenny;

Class 3. For every person conveyed in a third-class carriage per mile one penny;

In respect of animals conveyed on the railways:

Class 4. For every horse mule or ass or other beast of draught or burden conveyed in or upon any carriage per mile twopence;

Class 5. For every ox cow bull or neat cattle conveyed in or upon any carriage per mile one penny halfpenny;

Class 6. For every calf pig sheep or lamb or other small animal conveyed in or upon any carriage per mile one halfpenny;

In respect of goods conveyed on the railways:

Class 7. For all coals coke culm slack cinders lime limestone and clay (except fire-clay) chalk dung compost and all sorts of common manure and all undressed materials for the repair of highways clay ironstone and iron ore per ton per mile one penny;

Class 8. For all pig iron bar iron and all other similar descriptions of iron and iron castings not manufactured into utensils or other articles of merchandise undressed stones for building pitching and paving bricks tiles common slates fire-clay charcoal bats copper tin lead and other ores per ton per mile one penny halfpenny;

Class 9. For all sugar grain corn flour potatoes guano and artificial manures hides (dried and salted) dyewoods timber staves and deals metals (except iron) tinned plates nails anvils vices hoop iron sheet iron and chains per ton per mile twopence;

Class 10. For lace furs silk drapery millinery china glass cotton wool manufactured goods drugs and all other wares merchandise fish articles matters or things per ton per mile threepence;

In respect of carriages conveyed on the railways:

Class 11. 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 if having more than two wheels per mile fourpence and if having only two wheels per mile threepence and for every additional quarter of a ton up to four tons which such carriage weighs one penny per mile in addition if such carriage have more than two wheels and three farthings per mile in addition if the same have only two wheels.

Tolls for carriages &c.

48. The Company may for carriages supplied by them demand or take for or in respect of goods articles matters or things persons or animals comprised in any of the classes herein-before specified

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(in addition to the tolls by this Act authorised) any tolls not exceeding the tolls next herein-after mentioned in connexion with the class in which such goods articles matters or things persons or animals are respectively comprised (to wit) :—

For Class 1 for each person per mile one penny ;
For Class 2 for each person per mile three farthings ;
For Class 3 for each person per mile one halfpenny ;
For Class 4 for each animal per mile one penny ;
For Class 5 for each animal per mile one penny ;
For Class 6 for each animal per mile one halfpenny ;
For Class 7 per ton per mile one penny ;
For Class 8 per ton per mile one halfpenny ;
For Class 9 per ton per mile three farthings ;
For Class 10 per ton per mile one penny ;
For Class 11 for each carriage per mile twopence.

Tolls for propelling power.

49. The toll which the Company may demand for the use of engines for propelling carriages on the railways 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 authorised to be taken.

Regulations as to tolls.

50. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :

Short distances.

For all passengers animals or goods conveyed on the railways for a less distance than three miles the Company may demand tolls and charges as for three miles ;

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on 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 and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile ;

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls according to the number of 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 ;

General weight.

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

Weight of stone and timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech greenheart or

ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity. A.D. 1882.

Tolls for small parcels and articles of great weight.

51. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in 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 railways :—

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds but 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 one hundredweight three shillings and for every additional hundredweight up to five hundredweight ninepence ;

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 small parcels in separate packages.

For the carriage of single articles of great weight on the railways :—

For the carriage of any single thing the weight of which including the carriage exceeds four tons but does not exceed eight tons sixpence per ton per mile ;

For the carriage of any single thing the weight of which with the carriage exceeds eight tons any sum the Company may think fit.

Maximum rates for passengers.

52. The maximum rate of charge to be made by the Company for the conveyance of passengers including the tolls for the use of the railways and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) :—

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 per mile.

Maximum rates for animals and goods.

53. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels

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and single articles of great weight as aforesaid) on the railways including the tolls for the use of the railways and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance except a reasonable charge for loading and unloading of 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 (when any such service is performed by the Company) shall not exceed the following sums (that is to say):—

Class 4. For each animal fourpence per mile;

Class 5: For each animal twopence per mile;

Class 6. For every calf or pig one penny per mile and for every other small animal three farthings per mile;

Class 7. One penny halfpenny per ton per mile;

Class 8. Twopence per ton per mile;

Class 9. Threepence per ton per mile;

Class 10. Fourpence per ton per mile;

Class 11. For every carriage if having more than two wheels and not weighing more than one ton and a half fivepence per mile and one penny farthing for every additional quarter of a ton and if having only two wheels fourpence per mile and one penny for every additional quarter of a ton.

Tolls for separate waggons.

54. Provided also that when a separate waggon or truck shall be retained by one person for the conveyance only of cattle or sheep belonging to him or under his charge the aggregate of the tolls to be paid for such a waggon or truck capable of containing six oxen or twenty-five sheep and not containing more than that number shall not exceed ninepence per mile.

Passengers luggage.

55. Every passenger travelling upon the railways 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.

Terminal station.

56. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

57. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways 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 railways.

Company may take increased charges by agreement.

58. 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 on the railways of animals and 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 of the conveyance of animals or goods (other than small parcels) by passenger trains.

Classification table to be open to inspection and copies to be sold.

59. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

36 & 37 Vict. c. 48.

Rates payable on vessels using the dock.

60. The Company may from time to time demand and take for or in respect of every vessel or craft using or entering the dock or lying therein or departing therefrom any sum not exceeding one shilling for every registered ton of such vessel and every such rate or sum shall be payable by the owner or master of such vessel.

Rates payable on goods &c.

61. The Company may from time to time demand and take for all passengers landing and embarking at the dock and for all animals and goods mentioned in the schedule to this Act which

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shall be shipped or unshipped received or delivered within the dock any sums not exceeding the several rates in the said schedule specified and every such rate shall be payable by the owner or consignee of the goods.

Further tonnage rates on vessels remaining in dock longer than fourteen days.

62. If any vessel using the dock whether the same vessel shall previously have paid or been liable to pay tonnage rates or not shall remain in the dock for any longer space than fourteen days the Company may demand and take for every such vessel a further rate of one penny per registered ton for every four weeks and so on in proportion for any period less than four weeks during which any such vessel shall remain as aforesaid beyond the said period of fourteen days in addition to the tonnage rates payable by virtue of this Act Provided always that such additional rates shall not be payable for any vessel which shall have been detained by stress of weather so far as the delay is fairly attributable to that cause.

Rates to be charged for the use of cranes and weighing machines.

63. The Company may demand and take for the use of their wharves warehouses staiths cranes weighing and measuring machines of and from the owner consignee or person having the charge of any goods articles or things deposited in such warehouse or wharf or loaded or unloaded weighed or measured by means of such staiths cranes weighing and measuring machines such rates as the Company shall from time to time appoint.

Company may charge for the trouble of warehousing unloading &c.

64. The Company may receive for shipping unshipping landing re-landing loading weighing and warehousing any goods wares and merchandise whatsoever which shall be shipped or landed at the dock or shall be warehoused upon the premises of the Company or for all or any of such acts or for any other work or labour performed by the Company in respect of such goods wares and merchandise such reasonable rates and sums of money as the Company shall from time to time fix and determine and which rates and sums of money may be recovered or be recoverable by the Company in the same manner and by the same means as the other rates tolls and duties imposed by this Act are or shall be recoverable.

Power for Company to recover rents and charges for goods by sale &c.

65. If default be made in payment to the Company of any rent or charge with respect to any goods at on or in the dock quays yards warehouses or other works of the Company the Company (first paying the Customs duties and Inland Revenue duties if any are due and payable thereon) may detain and sell the goods or any part thereof and after retaining the amount so paid may retain for themselves the rent or charges so due and payable to them and the expenses of detention and sale rendering on demand the surplus (if any) of the proceeds of sale (subject to any lien for

freight of which the Company shall have received notice under the Merchant Shipping Acts Amendment Act 1862) and such (if any) of the goods as remain unsold to the person appearing to them to be entitled thereto Provided that the Company if they do not sell the goods or if the proceeds of the sale thereof be insufficient may recover the amount of the rents charges and expenses due and payable to them or the balance thereof in any court of competent jurisdiction.

Restriction as to time of sale by Company for recovery of charges.

66. Provided that (except with respect to goods of a perishable nature which in the judgment of the Company would be materially lessened in value by being retained by them) the Company shall not so sell any goods until after the expiration of six months after the time at which the goods are unshipped or delivered at their dock quays yards warehouses or other works.

Sale of perishable goods.

67. The Company may if they think fit sell any goods of a perishable nature deposited and lodged with them at any time when in their judgment the goods would be materially lessened in value by being retained by them and whether or not they have notice of the nonpayment of freight claimed on the goods or notice to retain the same.

Application of proceeds of sale of perishable goods.

68. When the Company so sell any perishable goods they shall apply the proceeds of the sale so far as they suffice (subject to any lien for freight of which the Company shall have received notice under the Merchant Shipping Acts Amendment Act 1862) in the first place in payment of the Customs duties and Inland Revenue duties (if any) payable in respect of the goods and in the next place in payment of the rates rents and charges due and payable to the Company in respect thereof and the expense of the sale rendering on demand the surplus (if any) of the proceeds and the unsold goods (if any) to the person appearing to them to be entitled thereto.

Officers of Customs to have free access to dock without payment of tolls.

69. All officers of Customs being in the execution of their duty shall have free ingress and egress into and out of the dock and premises and through the gates and entrances of the same and also freely to pass with their vessels and boats through the locks and water communications of the dock and premises at all times (provided the state of the tide and water communications of the dock and premises will admit of such passing) without payment of any toll or sum for so doing.

Officers and men from Queen's ships not to

70. The Company shall not make any charge upon or in respect of any officer or man in any branch of Her Majesty's service or any workman or boy for the time being actively employed in any branch

of Her Majesty's service who may come from or go on board any of Her Majesty's ships hired transports training ships or hospital ships when on duty to or from any land which the Company may acquire under the powers of this Act but nothing herein contained shall prevent the Company from charging the proper fare in every such case for the use of the railway.

be charged except for use of the railway.

Power to appoint meters and weighers.

71. The Company may appoint and license a sufficient number of persons to be meters and weighers.

Limits within which dock-master may exercise his authority.

72. The limits within which the powers of the dock-master for the regulation of the dock shall be exercised shall be the dock works and premises of the Company and a distance of fifty yards measured in every direction from the entrance to the dock.

Byelaws as to disposal of ballast.

73. In order to prevent ballast being thrown or allowed to fall overboard within the before-mentioned limits the Company may from time to time make alter and repeal such byelaws as they think fit for regulating the removal and disposal within those limits of all ballast brought by vessels entering those limits and for regulating the mode of supply of ballast to vessels within the said limits and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to byelaws shall extend and apply to any byelaw which may be made under this enactment and the word "ballast" in this Act includes all substances used as ballast.

Ballast to be brought to side of vessels and thrown in immediately.

74. All ballast supplied to any vessel in the dock unless the vessel lies at a wharf or quay shall be brought in a proper and sufficient ballast lighter to the side of the vessel and thence immediately thrown into the vessel by the crew or other persons and every person offending against this enactment shall for every such offence forfeit not exceeding five pounds and the expression "ballast lighter" in this Act includes all vessels used for receiving or conveying ballast.

Penalty for improperly discharging or taking up ballast.

75. If any master of any ballast lighter employed to receive or take ballast for any vessel or to remove or discharge any ballast or to take up or dredge for ballast in the dock discharge or deposit the ballast or take up any ballast in or from any other part of the dock than the part thereof which the dock-master from time to time directs he shall for every such offence forfeit not exceeding five pounds.

Penalty for casting ballast without a portsail.

76. If any person cast or unload into or out of any vessel in the dock or if any person having the command of any vessel in the dock knowingly permit to be cast or unloaded into or out of the vessel any ballast and the respective person have not a wooden stage or portsail sufficiently large and properly fastened to such

vessel (during the whole time of such casting or unloading) into or out of which the ballast is to be cast or unloaded to the upper edge or highest part of the wharf or quay or to the other vessels into from or upon which the ballast is to be cast or unloaded and so as to prevent any ballast from falling into the dock he shall for every such offence forfeit not exceeding forty shillings over and above the cost of removing the ballast from the dock.

Occupiers of wharves not to allow ballast to remain near edge of wharf.

77. If any owner tenant or occupier of any wharf or quay or land adjoining to the dock permit any ballast placed thereon after it is placed thereon and the apparatus used in placing it is removed to be on and within three yards of the edge of the wharf or quay or land next to the dock or permit any ballast to be placed on or so near to any watercourse upon or adjoining to the wharf or quay or land as that the ballast or any part thereof is or may be washed into the dock to the prejudice thereof he shall for every such offence forfeit not exceeding forty shillings.

Company may remove ballast.

78. If any owner tenant or occupier of any wharf quay or other land adjoining to the dock whereon any ballast is placed contrary to the provisions of this Act fail to remove it from the wharf quay or land within twenty-four hours after notice in writing from the Company to remove it the Company may remove all or any part of it to such places as they think fit and the charges of removing it shall and in addition to the penalty by this Act imposed on the respective person be paid by him and be recoverable as a penalty.

Ballast not to be cast into the dock or the River Trent.

79. If any officer of the Company or other person under any pretence save in the execution of works hereby authorised cast or unload any ballast into the dock or into the River Trent outside the dock he shall for every such offence forfeit not exceeding five pounds.

Company to dispose of ballast.

80. The Company may use or sell or dispose of in such manner as they think proper all ballast removed by them from the dock under this Act.

Byelaws as to docks &c. to be confirmed by Board of Trade.

81. All byelaws made by the Company which under the Harbours Docks and Piers Clauses Act 1847 require confirmation shall be subject to the confirmation of the Board of Trade and no other confirmation shall be necessary.

Interest not to be paid on calls paid up.

82. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by

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him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

83. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum 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 application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Saving rights of the Crown in the foreshore.

84. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Provision for Merchant Shipping Acts.
17 & 18 Vict. c. 104.

85. Nothing in this Act contained shall exempt the dock or the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the dock rates or duties by this Act authorised.

Provision as to general Railway Acts.

86. Nothing in this Act shall exempt the Company from the provisions of any general Act relating to railways or to the better and 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 maximum rates of fares and charges in respect of railways or of the rates for small parcels in respect of railways authorised by this Act.

Costs of Act.

87. All costs and charges of and incidental to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

		s.	*d.*
For every person - - - - - - -		0	2
For every horse or mule - - - - - -		2	0
For cattle - - - - - -	per head	1	0
For sheep, lambs, and pigs - - - -	„	0	1
For calves - - - - - -	„	0	2
Bacon, beef, and pork - - - -	per ton	0	8
Bricks - - - - - - -	„	0	6
Butter - - - - - - -	„	0	8
Coals, coke, and cinders - - - - -	„	0	3
Deals, battens, and boards -	per ton or load of 50 cubic feet	0	3
Flour - - - - - - -	per ton	0	8
Girders, iron - - - - - - -	„	0	8
Guano - - - - - - -	„	0	6
Grain - - - - -	per last of 10 quarters	0	10
Hay - - - - - - -	per ton	0	9
Iron—bars, pigs, and blooms - - - -	„	0	6
Laths - - - - - -	per 120 bundles	0	6
Machinery - - - - - - -	per ton	1	0
Masts - - - - - - -	each	2	0
Oil cake in bags - - - - - -	per ton	0	9
Timber - - - -	per ton or load of 40 cubic feet	0	3
And in case such timber shall remain in dock for any longer period than six days then for each week or part of a week beyond such six days - - - -	per ton or load of 40 cubic feet	0	3
For every ton weight of goods, wares, or merchandise of every other kind, character or description, and whether liquid or solid - -		1	6
Or at the option of the Company for every forty cubic feet of such goods and merchandise - - - - - -		2	0

For every package or parcel of goods, wares, or merchandise less than a ton, the same sum as is payable in respect of a ton.

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