ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cii.

An Act to authorize a Deviation in the Line of the *Manchester and Lincoln Union* Railway.

[2d *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from the* Midland *Railway at* Staveley *to the Town of* Worksop, *and for consolidating into One Undertaking the said proposed Railway and the Canal Navigation from* Chesterfield *to the River of* Trent: And whereas it is expedient that the Company incorporated by the said Act should be empowered to make a certain Deviation in the Line of the said Railway as by the said Act authorized, commencing in the Parish of *Clown* in the County of *Derby,* and terminating in the Parish of *Worksop* in the County of *Nottingham*: And whereas it is expedient that some of the Provisions of the said recited Act should be extended and enlarged; but the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in the said recited Act, except such as are altered or otherwise provided for by this Act, and all the Provisions, Matters, and Things contained in the Lands Clauses Consolidation Act, 1845, the Companies Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation Act, 1845,

9 & 10 Vict. c. 358.

Powers of recited Act extended to this Act.

1845, except such of them as are by this Act or the said first-recited Act repealed, altered, or otherwise provided for, shall extend to this Act and to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

Power to make new Line of Railway according to the deposited Plans.

II. And whereas Plans and Sections of the Deviations showing the Line and Levels thereof, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the respective Clerks of the Peace for the Counties of *Derby* and *Nottingham;* be it enacted, That subject to the Provisions in this Act and the said recited Act and in the Acts with such last-mentioned Act incorporated contained, and to the Powers of Deviation in the said last-mentioned Act contained, it shall be lawful for the *Manchester and Lincoln Union* Railway and *Chesterfield and Gainsborough* Canal Company to make and maintain the said Deviation and Works connected therewith in the Line 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 such Purpose.

Describing Line of Deviation.

III. And be it enacted, That it shall be lawful for the said Company to make and maintain the Deviation following in the Line of the said Railway as authorized to be made by the said Act; (that is to say,)

A Deviation commencing in or near a certain Field in the Parish of *Clown* in the County of *Derby* numbered 24 in such Parish on the Plans of the said Railway referred to in the Act authorizing the Construction thereof, to pass thence, from, in, through, or into the several Parishes, Townships, and Extra-parochial Places of *Clown*, *Whitwell*, and *Elmton* in the County of *Derby*, and *Haggonfield* and *Worksop* in the County of *Nottingham*, or some of them, and to terminate by a Junction with the Line of Railway authorized to be constructed by "The *Sheffield and Lincolnshire Junction* Railway Act, 1846," at or near the *Worksop and Attercliffe* Turnpike Road in the Township and Parish of *Worksop* in the County of *Nottingham*.

Power to abandon Part of Line which by Deviation may be rendered unnecessary.

IV. And be it enacted, That the said Company shall abandon such Part of the Railway by the said recited Act authorized to be constructed, from or near the Field numbered 24 in the said Parish of *Clown* on the said last-mentioned Plans to a Field numbered 74 in the Township of *Radford* in the Parish of *Worksop* on the same Plans, as by reason of the Deviation hereby authorized to be made may be rendered unnecessary; and all the Powers, Authorities, and Privileges which by the said recited Act are given for making and maintaining the Portion of the said Railway by this Act authorized to be abandoned, shall, from and after the making of the said Deviation hereinbefore mentioned, cease and determine.

Power to cross certain Roads on a Level.

V. And be it enacted, That Two public Roads, respectively described in the deposited Plans as Nos. 3 and 67 in the Parish of *Whitwell*, may severally be crossed on the Level.

VI. And

Company to erect Station or Lodge at Points where certain Roads cross on a Level, and abide by Rules made by Commissioners of Railways.

VI. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway shall cross on the Level the before-mentioned Roads; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Compulsory Purchase of Lands limited.

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

Period for Completion of Works.

VIII. And be it enacted, That the Deviation shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing such Deviation, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Deviation as shall then be completed.

Same Tolls to be taken as on Main Line.

IX. And be it enacted, That it shall be lawful for the Company, except as herein-after specified, to demand and receive for and in respect of the said Deviation the same Tolls and Charges as they are by the said recited Act authorized to demand and receive for and in respect of the Railway by such Act authorized to be constructed.

Maximum Charges.

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

Interest not to be paid on Calls paid up.

XI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

Deposits for future Bills not to be paid out of

XII. 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

the Company's Capital.

poses 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.

Railway to be subject to the 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.

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

Railway to be subject to Provisions of future general Acts.

XIV. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expences of Act.

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

Interpretation of Act.

XVI. And be it enacted, That the Term "the Company" in this Act shall mean the *Manchester and Lincoln Union* Railway and *Chesterfield and Gainsborough* Canal Company.

Short Title.

XVII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to describe it as "The *Manchester and Lincoln Union* Railway (Deviation) Act, 1847."

Public Act.

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

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