ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. ii.

An Act for altering and enlarging the Powers of the Acts relating to the *Midland Counties* Railway.

[22d *April* 1842.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway, with Branches,* 6 & 7 W. 4.
commencing at the London and Birmingham *Railway in the Parish* c. 78.
of Rugby *in the County of* Warwick, *to communicate with the Towns of* Leicester, Nottingham, *and* Derby, *to be called* "*The* Midland Counties *Railway,*" by which Act the *Midland Counties* Railway Company were authorized to raise the Sum of One million Pounds by the Creation of Shares, and to borrow on Mortgage the Sum of Three hundred and thirty-three thousand Pounds: And whereas another Act was passed in the Second Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for amending and* 1 & 2 Vict.
enlarging the Provisions of the Act relating to the Midland Counties c. 57.
Railway, and for making a Branch therefrom to the Town of Mountsorrel *in the County of* Leicester: And whereas another Act was passed in the Fourth Year of the Reign of Her said present Majesty,

3 & 4 Vict. c. 130.

intituled *An Act for granting further Powers to the* Midland Counties *Railway Company*, by which Act the said Company were authorized to raise an additional Sum of One hundred and fifty thousand Pounds by the Creation of Shares, and to borrow an additional Sum of Fifty thousand Pounds on Mortgage: And whereas the said respective Sums of Money authorized to be raised by the said first and thirdly recited Acts have been duly raised: And whereas it is expedient that Power should be granted to the said Company to raise an additional Sum of Money, and that some of the Provisions of the said recited Acts should be amended, altered, or repealed; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be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the same, That all the Provisions, Matters, and Things contained in the said recited Acts (except such of them as are repealed, altered, or otherwise provided for) shall extend to this Act, and shall be in force in respect to the Objects and Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes thereof.

Powers of recited Acts extended to this Act.

Power to raise an additional Sum of Money by Subscription.

II. And be it enacted, That it shall be lawful for the said Company, by an Order of any General or Special General Meeting, to raise by creating new Shares, in addition to the Sum of Money which they have raised by virtue of the said first and thirdly recited Acts, any further Sum of Money not exceeding in the whole the Sum of Two hundred and fifty thousand Pounds.

New Shares to be considered the same as original Shares.

III. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital, and the Amount of such Calls, which respectively it shall be lawful for the Company from Time to Time to fix as they shall think fit.

If old Shares are at a Premium, the new Shares to be offered to the original Shareholders.

IV. And whereas the present Capital of the Company is divided into Ten thousand Shares of the nominal Value of One hundred Pounds each, and into Ten thousand Shares of the nominal Value of Twenty-five Pounds each; be it enacted, That if at the Time of the Creation of such new Shares the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the said respective nominal Value of such respective Shares, then the Sum so to be raised shall be offered to the then Shareholders in such and the same Proportion, as nearly as can be conveniently done, as the then existing Shares shall be held by them respectively; and such Offer shall be made by Letter under the Hand of the Secretary given to or sent by Post to each Shareholder, or left at his usual or last known Place of Abode; and such new Shares shall vest in and

belong to the Shareholders who shall accept the same, and pay the Value thereof to the Company, at the Times and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of such new Shares to accept the same, and pay the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof for such Sum as the Company can obtain for the same.

If not at a Premium to be issued as the Company may think fit.

V. And be it enacted, That if at the Time of the Creation of such new Shares the existing Shares of the Capital Stock of the Company be not at a Premium, then such new Shares may be of such Amount and may be issued in such Manner as the Company shall think fit.

Power to borrow Money.

VI. And be it enacted, That after the whole Sum authorized by this and the said recited Acts to be raised by Shares shall have been subscribed for, and One Half of the Sum by this and the said recited Acts authorized to be raised by Shares shall have been paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General or Special General Meeting of the Company, not exceeding in the whole the Sum of Eighty-three thousand Pounds, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage, as by the said recited Acts authorized, or by Bonds to be entered into in manner herein-after mentioned.

Reborrowing.

VII. And be it enacted That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of a General or Special General Meeting of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

As to Mortgages and Bonds.

VIII. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company under the Powers of this Act shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage may be according to the Form prescribed by the first-recited Act, and every Bond may be according to the Form in the Schedule to this Act annexed, or to the like Effect.

Rights of Mortgagees.

IX. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, and Premises comprised in such Mortgage, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

X. Provided

Mortgagees under former Acts to have Priority.

X. Provided always, and be it enacted, That all Mortgages already entered into under the Powers of the said recited Acts, or either of them, shall have Priority over the Mortgages and Bonds by this Act authorized to be given.

Transfer of Bonds.

XI. And be it enacted, That from Time to Time any Party entitled to any such Bond may transfer his Right and Interest therein to any other Person by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be according to the Form prescribed in the said first-recited Act for the Transfer of Mortgages, or as near thereto as the Circumstances of the Case will admit.

Transfers of Interest to be stamped.

XII. And be it enacted, That the Interest on any such Bond shall not be transferrable except by an Instrument duly stamped.

Power to convert Loan into Capital.

XIII. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; but no such Augmentation of Capital shall take place without the Authority of an Order of a General or Special General Meeting of the Company called for the Purpose previously obtained.

As to Votes of Proprietors of new Shares.

XIV. Provided always, and be it enacted, That the Proprietors of such new Shares shall be entitled only to such Number of Votes in respect thereof as the Amount of Stock represented by such Shares would have entitled them to if they had been possessed of original Shares in the said Undertaking; and no Proprietor shall be entitled to any Vote unless possessed of some Share or Shares representing One hundred Pounds at least Capital Stock of the Company.

A Second General Meeting of the Company to be held in each Year.

XV. And be it enacted, That in addition to the Annual General Meeting of the said Company by the said recited Acts directed to be held there shall be held a General Meeting of the Company in the Months of *January*, *February*, or *March* in each and every Year, at such Time and Place as the Directors for the Time being shall fix; and the Power given by the said first-recited Act to close the Books kept for entering Memorials of Transfers of Shares for a Period before each of the yearly General Meetings of the said Company therein referred to shall extend and apply to the General Meeting of the Company hereby directed to be held.

Repealing Power in recited Act authorizing Directors to declare Dividends.

XVI. And whereas it is by the said first-recited Act enacted, that it should be lawful for the Directors of the said Company, and they were thereby empowered, from Time to Time, when and as they should think proper, to declare and make a Dividend among the Proprietors of all the Shares in the Undertaking out of the clear Profits of the said Undertaking, and such Dividend should be after the

the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: And whereas it is expedient that the Power to declare Dividends as aforesaid should be vested in the General Meetings of the Proprietors of the said Company, and that the said recited Enactment should be repealed; be it therefore enacted, That the same shall be and is hereby repealed.

Declaration of Dividends.

XVII. And be it enacted, That previously to every General Meeting the Directors shall cause a Scheme to be prepared, showing the Profits, if any, of the Company for the Period current since the immediately preceding General Meeting, and apportioning the same among the Shareholders according to the Shares held by them respectively, and shall exhibit such Scheme at such Meeting, and at such Meeting a Dividend may be declared according to such Scheme.

Election of Auditors.

XVIII. And be it enacted, That the Company may, if they think proper, at the General Meeting to be held in the Months of *June*, *July*, or *August* in each Year, elect an Auditor or Two Auditors in like Manner as is provided by the said first-recited Act for the Election of Directors; and every Auditor so elected, being neither removed nor disqualified, nor having resigned, shall continue to be an Auditor until another be elected in his Stead.

Qualification of Auditors.

XIX. And be it enacted, That every Auditor shall have at least the same Number of Shares as shall be required to qualify a Director, and he shall not hold any Office in the Company, nor be in any other Manner interested in its Concerns except as a Shareholder.

Rotation as to Auditors.

XX. And be it enacted, That if an Auditor or Two Auditors be appointed as aforesaid the Auditor (or One of such Auditors, if more than One be appointed, to be determined in the first instance between themselves, and afterwards by Seniority,) shall go out of Office at the End of every Year, but the Auditor so going out shall be immediately re-eligible, and after any such Re-election shall, with respect to the going out of Office by Rotation, be deemed a new Auditor.

Vacancies in Office of Auditor.

XXI. And be it enacted, That if any Vacancy take place in the Office of Auditor in the course of the current Year, then at any General or Special General Meeting of the Company the Vacancy may, if the Company think fit, be supplied by Election of the Shareholders.

Failure of Meeting to elect Auditor.

XXII. And be it enacted, That the Provision of the said first-recited Act respecting the Failure of a General Meeting at which Directors are to be chosen shall apply to a Meeting at which an Auditor is to be appointed.

Duty of Auditors.

XXIII. And be it enacted, That it shall be the Duty of such Auditors to receive from the Directors the half-yearly or other periodical Accounts and Balance Sheet required to be presented to the Shareholders, and to examine the same.

Powers of Auditors.

XXIV. And be it enacted, That the said Auditors shall, upon the Examination of such Accounts, either make a Special Report thereon, or simply confirm the same, and such Report or Confirmation shall be read, together with the Report of the Directors, at the General Meeting.

Delivery of Balance Sheet, &c. by Directors to Auditors.

XXV. And be it enacted, That the Directors shall deliver to such Auditors the half-yearly or other periodical Accounts and Balance Sheet Fourteen Days at the least before the ensuing Meeting at which the same are required to be produced to the Shareholders.

Remuneration of Auditors.

XXVI. And be it enacted, That the Remuneration of the Auditors shall from Time to Time be fixed by a General Meeting of the Company.

Power to close Transfer Books at certain Periods.

XXVII. And be it enacted, That it shall be lawful for the said Company, and they are hereby authorized, to close the Books kept for entering Memorials of Transfers of Shares, for a Period not exceeding Ten Days before each of the Days on which a Dividend shall become payable to the Proprietors of Shares in the said Company, and to fix a Day for that Purpose, during which Time the said Company shall not be bound to take notice of any Transfer which shall not have been registered previously to the Day fixed for closing the Books; but all such Transfers shall, as between the Parties claiming under the same, and the said Company, but not otherwise, be considered as made subsequently to the Day on which such Books shall be so closed: Provided always, that Seven Days Notice at least of the Day on which the Transfer Books shall be closed shall be given in One or more Newspaper or Newspapers published in each of the Counties of *Warwick*, *Leicester*, *Nottingham*, and *Derby*.

For reducing the Number of Directors.

XXVIII. And be it enacted, That when by Death or Resignation, or any other Cause than that of going out by Rotation, as provided for by the said first-recited Act, the Number of Directors shall at any Time be reduced below Twenty-four (and so often as the same shall happen), it shall not be necessary for the remaining Directors to proceed to fill up such Vacancy previous to the General Meeting of the Company which will be held in the Month of *June*, *July*, or *August* then next ensuing; and if it shall appear to any such Meeting that it is inexpedient to fill up the said Vacancy, and such Meeting shall come to a Resolution to that Effect, then and in that Case, and when and so often as the same shall happen, the Number of Directors of the Company shall be and remain reduced accordingly, and all the Acts of the said Directors, when so reduced in Number, shall, to all Intents and Purposes, be valid and effectual as if the Number of the said Directors had not been reduced: Provided always, that during such Time as the Number of Directors shall, under the Provisions herein contained, be less than the Number authorized by the said first-recited Act, the Number to go out of Office by Rotation at the General Meetings of the Company in the Month of *June*, *July*, or *August* shall be as follows; namely, if the total Number of Directors shall be more than Twenty the Number to go out by Rotation shall be Six; if the total Number of Directors

shall be more than Sixteen, and not exceeding Twenty, the Number to go out by Rotation shall be Five; and if the total Number of the Directors shall be more than Twelve, and not exceeding Sixteen, the Number to go out by Rotation shall be Four; and when the Number of Directors shall be reduced to Twelve, the Number to go out by Rotation shall be Three; and in case (with reference to the Provision that the Directors who have been longest in Office shall go out) any Difficulty shall arise from the Alteration in the total Number of the Directors, then it shall be determined by the said Directors, by Lot among themselves, which of the Directors whose Turn it would have been to go out by Rotation shall go out of Office: Provided always, that if, at any Time after the Number of Directors shall be reduced under the Provision herein-before contained, a General or Special General Meeting of the Company shall resolve that it is expedient that the Number of Directors should be again raised, then and in every such Case the Number of Directors shall be again raised to such Number as shall be fixed by such Resolution of the said Company, and at the same or some subsequent General or Special General Meeting One or more Person or Persons shall be appointed for the Purpose of supplying the Number fixed by such Resolution: Provided also, that at no Time shall the whole Number of Directors exceed the Number originally appointed under or by virtue of the said first-recited Act, or be reduced under the Provision herein-before contained to a less Number than Twelve.

Power to take temporary Possession of Land in certain Cases.

XXIX. And be it enacted, That in case of Accident to the said Railway requiring immediate Reparation, and in case such Accident cannot be immediately repaired without such Occupation and Use as is herein-after mentioned, it shall be lawful for the Company, without making any previous Payment, Tender, or Deposit, to enter upon and use any existing private Roads, not being more than Five hundred Yards distant from the Centre of the Railway, and also to enter upon any Lands, not being more than Two hundred and fifty Yards distant from the Centre of the Railway, and not being a Garden, Orchard, Park, Plantation, planted Walk, Avenue, or Ground planted and set apart as a Nursery for Trees, and not being a Towing Path, Embankment, or other Work belonging to any Canal or navigable River, or used or occupied therewith, and not being nearer than Five hundred Yards to the Mansion House of the Owner of any such Lands, and to occupy the said Lands and to use the same for any of the following Purposes, so far as the Purposes herein-after mentioned are necessary for repairing such Accident; (that is to say,)

For the Purpose of laying Earth or Soil and making Spoil Banks thereon;

For the Purpose of taking Earth or Soil by Side Cuttings therefrom;

For the Purpose of obtaining Materials therefrom for the Reparation of the Railway, or the Embankments or Works; or

For the Purpose of forming Roads thereon to or from the Railway:

And in exercise of the Powers aforesaid it shall be lawful for the Company to deposit, and also to manufacture and work, upon such Lands, Materials of every Kind used in the Reparation of the Railway, and also to dig and take from out of any such Lands any Clay, Stone, Gravel,

Gravel, Sand, or other Things that may be found therein useful or proper for repairing the Railway, or any such Roads as aforesaid.

Company to give Notice as to such temporary Possession.

XXX. Provided always, and be it enacted, That the Company shall, within Seven Days after having so entered on any such Lands, give Notice in Writing to the Owners and Occupiers of such Lands of their having so entered upon the same for such Purposes; and the Company shall in such Notices respectively state the Substance of the Provisions herein-after contained, respecting the Right of such Owner or Occupier to require the Company to purchase any such Lands, or to receive Compensation for the temporary Occupation thereof, as the Case may be.

Owners of Lands may compel Company to purchase Lands so temporarily occupied.

XXXI. And be it enacted, That where the Company shall, in exercise of the Powers aforesaid, enter upon any Lands for the Purpose of making Spoil Banks or Side Cuttings thereon, or for obtaining Materials for the Repair of the Railway therefrom, it shall be lawful for the Owners or Occupiers of such Lands, having such Estates or Interests therein as, under the Provisions contained in the said recited Acts, would enable them to sell or convey Lands to the Company, at any Time during the Possession of any such Lands by the Company, and before such Owners or Occupiers shall have accepted Compensation from the Company in respect of such temporary Occupation, to serve a Notice in Writing on the Company requiring them to purchase the said Lands, or their Estates and Interests therein respectively, and in such Notice such Owners or Occupiers shall set forth the Particulars of their Estate or Interest in such Lands, and the Amount of their Claim in respect thereof; and the Company shall thereupon be bound to purchase the said Lands, or the Estate and Interest therein of the Parties serving such Notice; and the Value of such Lands, and the Compensation payable therefore to such Owners and Occupiers, shall, in case of Difference, be determined as in other Cases of disputed Compensation under the said recited Acts.

Compensation to be made for temporary Occupation.

XXXII. And be it enacted, That where in any of the Cases aforesaid the Company shall not be required to purchase such Lands, and in all other Cases where they shall take temporary Possession of Lands by virtue of the Powers herein granted, it shall be incumbent on the Company, within One Month after their Entry upon such Lands, upon being required so to do, to pay to the Occupier of the said Lands the Value of any Crop or Dressing that may be thereon, and to agree with the Owner and Occupier thereof for the Payment of an annual Sum, by way of Rent, during the Occupation thereof, and also, within Six Calendar Months after they shall have ceased to occupy the said Lands, to pay to such Owner and Occupier Compensation for any permanent Damage or Injury that may have been done to the said Lands in the Exercise of the Powers hereinbefore granted; and the Amount of such permanent Damage shall, in case of Difference, be determined as in other Cases of disputed Compensation under the said recited Acts; and the Value of any Crop or Dressing which may be on the said Lands, and the Rent payable in respect thereof, during the Possession of the Company, whatever the Amount of Claim in respect of the same may be, shall, in

in case of Difference, be determined as other Cases of disputed Compensation under Twenty Pounds are determined under the said first-recited Act.

Bonds to be given for Costs of Trial by Jury in case of temporary Damage.

XXXIII. Provided always, and be it enacted, That if any Party entitled to Compensation in respect of Damage temporarily sustained shall require to have the Amount of such Compensation determined by a Jury, he shall, before requiring the Company to issue their Warrant for causing such Jury to be summoned, enter into a Bond to the Company, with Two sufficient Sureties, in the penal Sum of Two hundred Pounds, duly to prosecute his Claim, and to bear such Part of the Costs, if any, incidental to the Inquiry, as he shall be required to pay under the Provisions of this and the said recited Acts in that Behalf.

Repeal of Provision in first recited Act for the Construction of a Weir across the Trent.

XXXIV. And whereas it is by the said first-recited Act enacted, that the said Company of Proprietors of the said Railway should, and they were thereby required, at their own Expence, to make and complete, in a substantial and workmanlike Manner, a new Weir of Ashler Stone across the River *Trent*, at such Part of the said River *Trent*, not being more than One hundred Yards below the Eastern Side of the Railway Bridge over the same River as the Company of Proprietors of the River *Trent* Navigation should determine and require, and which said new Weir should be made of such Height and Dimensions as to keep and always preserve the same Head and Level and Height of Water at and immediately above the Situation of the said present Weir as was then thereby kept and preserved above the same, but after the said new Weir should have been made and completed to the Satisfaction of the said Company of Proprietors of the said River *Trent* Navigation the said new Weir should thenceforth be maintained and repaired by the said last-mentioned Company: And whereas it is expedient that the Mode of Construction of the said Weir required by the said Act should be explained or altered, and that other Provisions should be made as to the Situation of the said Weir, and as to the Maintenance and Repairs thereof when completed; be it therefore enacted, That so much of the said recited Act as is lastly herein-before recited shall be repealed.

Manner in which the Company shall construct a Weir across the Trent.

XXXV. And be it enacted, That the said Company of Proprietors of the said Railway shall and they are hereby required, at their own Expence, to make and complete, in a substantial and workmanlike Manner, a new Weir across the said River *Trent* (not being more than Two hundred Yards below the Eastern Side of the said Railway Bridge over the same River) as the said Company of Proprietors of the River *Trent* Navigation shall determine and require, and which said new Weir shall be made of such Height and Dimensions as to keep and always preserve the same Head and Level and Height of Water at and immediately above the Situation of the said present Weir, after the same shall have been removed, as is now thereby kept and preserved above the same; and the said Railway Company shall, at their own Expence, at all Times for ever after such Weir shall be erected, keep the same, and any future Weir to be erected in lieu thereof, and which shall be erected in a good, substantial,

and workmanlike Manner in good and complete Repair; and in case of any Want of Repair to the said Weir, and Notice thereof being given by any Agent of the said Company of Proprietors of the River *Trent* Navigation to the said Railway Company, their Agent or Clerk, the said Railway Company shall neglect for the Space of Seven Days after such Notice to commence such Repairs, and proceed therein with all reasonable Expedition until the same shall be completed, it shall be lawful for the said Company of Proprietors of the River *Trent* Navigation from Time to Time to make all such Repairs in the said Weir as they may think necessary; and all the Expences thereof shall be repaid by the said Railway Company to the said Company of Proprietors of the River *Trent* Navigation, upon Demand made by them, or on their Behalf; and in default of such Payment any Two or more of Her Majesty's Justices of the Peace for the County of *Nottingham* or County of *Derby* shall and they are hereby required, on Application by the said Company of Proprietors of the River *Trent* Navigation, or their Clerk, or other Person authorized by them, by Warrant under the Hands and Seals of the said Justices, to cause the Amount of such Expences, which shall be first settled and allowed by such Justices, to be levied by Distress and Sale of the Goods and Chattels of the said Railway Company, and to be paid to the said Company of Proprietors of the River *Trent* Navigation, their Agent or Clerk, rendering the Overplus (if any), upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to the said Railway Company; or otherwise the said Company of Proprietors of the River *Trent* Navigation shall and may sue for and recover the said Expences of all such Repairs, together with full Costs of Suit, against the said Railway Company, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

Explanation of Provision in former Act, restricting the Use of certain Part of Meadows in Nottingham to be taken for Station.

XXXVI. And whereas it is by the said first-recited Act enacted, that no Part of certain uninclosed Lands called the *Meadows*, situate in the Parish of *Saint Mary* in the Borough and Town and County of the Town of *Nottingham*, should be taken, purchased, or used by the said *Midland Counties* Railway Company for Stations, Yards, Wharfs, Staiths, waiting, loading, and unloading Places, Warehouses, or other Buildings or Conveniences for the Purposes of that Act, other than such as might be situated between the *Wilford* Road and the Line of Intersection therein-before directed to be drawn in a Southerly Direction from the Western Side of and in continuation of *Carrington Street* in the said Town of *Nottingham*, and that the Part of the Meadows so to be taken, including the Site of the said *Midland Counties* Railway between the *Wilford* Road and the said Line of Intersection, should not exceed an average Breadth of One hundred and four Yards from the *Nottingham* Canal in the said Parish: And whereas an Act was passed in the Third Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for inclosing certain Lands called the* West Croft *and* Burton Leys, *in the Parish of* Saint Mary *in the Town and County of the Town of* Nottingham, wherein it is recited that such Meadows called the *West Croft* and *Burton Leys*, from their Contiguity, amongst other Places, to the Terminus or chief Station at *Nottingham* of the *Midland Counties* Railway,

2 & 3 Vict. c. 28.

Railway, afford peculiarly advantageous Situations for the Erection of Warehouses and other Buildings, and for the Formation of Wharfs, and that it would be a great Benefit to the Trade, Commerce, and Manufactures of the said Town of *Nottingham*, and essentially increase the Borough Property and Finances, to the general Good of the Town at large, if the said Meadows were inclosed and improved; and it is by the said Act enacted, that the said Meadows should be inclosed and allotted, and a certain Portion thereof be sold for defraying the Expences of that Act, and the Land so sold is by that Act directed to be conveyed and assured to the Purchaser, for such Uses, Intents, and Purposes as such Purchaser should appoint; but Doubts have arisen whether the Restriction contained in the said first-recited Act extends to the said *West Croft* and *Burton Leys*, now that the same are inclosed and appropriated for Building Purposes, and it is expedient to remove such Doubts; be it therefore enacted, That the Restriction contained in the recited Enactment shall not be construed to extend to the said Land inclosed or authorized to be sold under and by virtue of the said Act of the Third Year of the Reign of Her present Majesty Queen *Victoria*.

For paying Expences of Act.

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

Public Act.

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

SCHE-

SCHEDULE referred to by the foregoing Act.

Form of Bond.

The Midland Counties Railway Company.

Bond Number £

By virtue of an Act passed, *&c.*, intituled, *&c.*, we, "The Midland Counties Railway Company," in consideration of the Sum of Pounds to us in hand paid by *A. B.* of , do bind ourselves and our Successors unto the said *A. B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A. B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year One thousand eight hundred and the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum payable half-yearly on the Day of and Day of then the above-written Obligation is to become void, otherwise to remain in full Force.

Given under our Common Seal this Day of One thousand eight hundred and .

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1842.