ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cxci.

An Act to enable the *Midland* Railway Company to purchase the *Mansfield and Pinxton* Railway, and to alter the same, and to make a Railway from the *Erewash Valley* Railway to the *Nottingham and Mansfield* Railway, with Branches to *Mansfield* and also to the *Alfreton* Ironworks.

[9th *July* 1847.]

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to consolidate the* North Midland, Midland Counties, *and* Birmingham and Derby Junction *Railways*, whereby the Companies to whom such Railways respectively belonged were united into One Company under the Name of "The *Midland* Railway Company," and the same Railways, and all Branches thereof respectively, were and are now vested in such united Company: And whereas an Act was passed in the Fifty-seventh Year of the Reign of His late (7 & 8 Vict. c. 18.)

57 G. 3. c. 37. Majesty King *George* the Third, intituled *An Act for making and maintaining a Railway or Tramroad from* Bull's Head Lane *in the Parish of* Mansfield *in the County of* Nottingham *to communicate with the* Cromford *Canal at* Pinxton *Basin in the County of* Derby: And whereas the *Mansfield and Pinxton* Railway Company and the *Midland* Railway Company have mutually agreed that the *Mansfield and Pinxton* Railway, and all the Stock and Property of every Description belonging to the said *Mansfield and Pinxton* Railway Company, shall be vested in perpetuity in the *Midland* Railway Company: And whereas the making of a Railway from the *Erewash Valley* Branch of the *Midland* Railway in the Parish of *Pinxton* in the County of *Derby* to the *Nottingham and Mansfield* Branch of the said *Midland* Railway in the Parish of *Kirkby in Ashfield* in the County of *Nottingham*, with a Branch to the Town of *Mansfield*, and also from the *Clay Cross* Extension of the *Erewash Valley* Railway in the Parish of *Alfreton* in the County of *Derby* to certain Ironworks in the same Parish, known as the *Alfreton* Ironworks, would be of great public Advantage: And whereas it is expedient that the Line, Gauge, and Levels of the said *Mansfield and Pinxton* Railway should be altered and adapted for the Purposes of the Railways by this Act authorized: And whereas the said *Midland* Railway Company are willing to carry the said proposed Undertaking into effect, but the Authority of Parliament is necessary for the several Purposes aforesaid: 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 from and immediately after the granting of the Certificate of the Commissioners of Railways as hereinafter mentioned the *Mansfield and Pinxton* Railway Company shall be dissolved, and the *Mansfield and Pinxton* Railway, and all Stations, Houses, and other Buildings, Wharfs, Machines, and other Works belonging thereto, and the Ground and Soil thereof respectively, and all and every other the Lands, Tenements, and Hereditaments, Rights, Easements, and Appurtenances whatsoever, and all Engines, Carriages, Waggons, Monies, Goods, Chattels, and Personal Estate and Effects whatsoever, of or to which the said *Mansfield* Railway Company were by virtue of the said recited Act relating to the said Railway, or by any other Means whatsoever, seised, possessed, or entitled at Law or in Equity, shall by virtue of this Act belong to and be absolutely vested in the said *Midland* Railway Company, subject nevertheless and without Prejudice to the several Mortgages, Liens, Charges, and Incumbrances which at or immediately before the Time of such vesting shall have been upon or affecting the said *Mansfield and Pinxton* Railway, or any of the Property of the said *Mansfield and Pinxton* Railway Company.

Mansfield and Pinxton Railway Company dissolved, and Railway vested in the Midland Railway Company.

II. And

Provisions of the Mansfield and Pinxton Railway Acts to be applicable to the Midland Railway Company.

II. And be it enacted, That, save as herein-after is provided, all the Provisions of the said recited Act relating to the *Mansfield and Pinxton* Railway shall extend and apply to the *Midland* Railway Company in respect of the said *Mansfield and Pinxton* Railway as fully and effectually to all Intents and Purposes as if the last-mentioned Company had been originally named or referred to therein instead of the said *Mansfield and Pinxton* Railway Company: Provided always, that all the Provisions in the last-mentioned Act relating to the several Matters following, that is to say, the Capital of the Company, the Meetings of Proprietors, the Appointment of Directors, and all such other Provisions of the same Act as may be inconsistent with any of the Provisions of this Act specially applicable to the *Mansfield and Pinxton* Railway, or for which other Provisions may be specially substituted in this Act, shall be and the same are hereby declared to be repealed after the granting of the said Certificate.

Conveyances, &c. made in favour of the Mansfield and Pinxton Railway Company to be for the Benefit of the Midland Railway Company.

III. And be it enacted, That all Contracts, Agreements, Conveyances, Mortgages, Bonds, Covenants, and Securities made or entered into with, to, or in favour of, or by or for, the said *Mansfield and Pinxton* Railway Company before the granting of the said Certificate, shall from and after granting thereof be and remain as good, valid, and effectual in favour of, against, and in reference to the said *Midland* Railway Company, and may be proceeded on and enforced in the same Manner by or against the said *Midland* Railway Company, to all Intents and Purposes, as if the said *Midland* Railway Company had been a Party to and executed the same, or had been named or referred to therein instead of the said *Mansfield and Pinxton* Railway Company; and that all Books, Maps, Plans, and other Documents which by any of the said recited Acts relating to the *Mansfield and Pinxton* Railway Company are declared to be good Evidence in all Courts of Law and Equity shall remain and continue to be such Evidence in favour of or against the said *Midland* Railway Company.

Actions, &c. not to abate.

IV. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the said *Mansfield and Pinxton* Railway Company previously to the granting of the said Certificate, shall abate or be discontinued or prejudicially affected by reason of the Dissolution of the said Company, and the vesting of the said Railway in the *Midland* Railway Company, but on the contrary the same shall continue and take effect both in favour of and against the said *Midland* Railway Company in the same Manner in all respects as the same would or might have continued and taken effect in favour of or against the said *Mansfield and Pinxton* Railway Company if this Act had not been passed; and also that all Penalties by reason of any Offence against the Provisions of the said recited Act relating to the *Mansfield and Pinxton* Railway, or any of them,

incurred

incurred previously to the granting of the said Certificate, shall and may be sued for, and all Offences which may have been committed against the Provisions of the said Acts or any of them previously to the granting of such Certificate may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, the said *Midland* Railway Company being in all respects substituted in the Place of the said *Mansfield and Pinxton* Railway Company in reference to the Matters in this Enactment mentioned, and also in reference to all Debts and other Liabilities, Claims, or Demands to which the said last-mentioned Company are or may be subject by reason or in consequence of any Acts, Omissions, or Defaults previously to the granting of such Certificate.

Power to create Stock.

V. And whereas the Amount contracted to be paid to the Holders of Shares in the *Mansfield and Pinxton* Railway for the Purchase of their Interest therein is Twenty-one thousand and sixty-six Pounds Thirteen Shillings and Four-pence; be it therefore enacted, That it shall be lawful for the said *Midland* Railway Company and they are hereby required from and immediately after the granting of such Certificate to create Stock of the nominal Value of Twenty-two thousand Pounds, which Stock shall be of the same Nature, and subject to the same Rules, Regulations, and Provisions, as the present general Capital Stock of the said *Midland* Railway Company, and shall entitle the Holders thereof to the same Privileges as those enjoyed by the Holders of such Stock of the *Midland* Railway.

Distribution of Stock amongst Shareholders of the Mansfield and Pinxton Railway Company.

VI. And be it enacted, That every Person and Corporation who at the Time of the granting of such Certificate shall appear by the Register Book of Proprietors of Shares in the *Mansfield and Pinxton* Railway Company to be the Proprietor of One or more Shares in the Capital of the said last-mentioned Company, shall be entitled to such Proportion of the said Stock herein-before authorized to be created as shall be equal to the Proportion which the Number of Shares held by such Person or Corporation in the last-mentioned Company may bear to the total Number of Shares in the said *Mansfield and Pinxton* Railway Company, and such Amount of the said Stock is hereby vested in such Persons and Corporations accordingly: Provided always, that Purchasers and others being or claiming to be Proprietors of Shares in the *Mansfield and Pinxton* Railway Company immediately before the granting of such Certificate, of which Shares they shall not at the Time of the granting thereof appear Proprietors in the said Register Book, shall, as between themselves and the Persons appearing as such Proprietors in the said Register Book, be entitled to the Stock by this Act authorized to be vested in such last-mentioned Proprietors in lieu of such Shares in the same Manner

and to the same Extent as they would have been entitled to the said Shares if this Act had not been passed, or such Certificate had not been granted, any thing herein-before contained to the contrary notwithstanding.

Stock to be held upon the same Trusts as Shares and Stock.

VII. And be it enacted, That every Person and Corporation in whom any Portion of the Stock herein-before authorized to be created is hereby vested shall stand and be possessed of such Stock upon the same Trusts, and for the same Purposes, and under and subject to the same Powers and Provisions respectively, as the Shares in the said *Mansfield and Pinxton* Railway Company, in lieu of which such Stock was given immediately before the granting of such Certificate, were held upon, and subject or liable to, and so as to give effect to and not revoke any Will or other Testamentary Disposition affecting such Shares.

Powers of Amalgamation not to be exercised without Certificate of Commissioners of Railways.

VIII. Provided always, and be it enacted, That it shall not be lawful for the said Companies respectively, by virtue of the Provisions herein-before contained, to enter into and conclude the Amalgamation of the said Companies hereby authorized as aforesaid, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Completion of such Amalgamation, that One Half of the whole Amount of the Capital, exclusive of Loans, by the Act or Acts relating to each of the said Companies authorized to be raised, has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

Extending Provisions of first-recited Acts.

IX. And be it enacted, That all the Provisions contained in the said first-recited Act, so far as the same may be in force at the Time of passing of this Act, and except such of them as are by this Act repealed, altered, or otherwise provided for, or as are inconsistent with the Provisions of the said "Lands Clauses and Railways Clauses Consolidation Acts," shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were repeated and re-enacted in this Act in reference to such Purposes, Matters, and Things.

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

X. And be it enacted, That the Provisions of the said "Lands Clauses Consolidation Act, 1845," and of the said "Railways Clauses Consolidation Act, 1845," so far as the same are not modified by or inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act with respect to the Railways and Works herein-after authorized to be made.

Power to raise Money.

XI. And whereas the estimated Expence of the Works by this Act authorized is Seventy-five thousand Pounds; be it enacted, That it shall be lawful for the said Company to raise for the Purposes of this Act, on the Credit of their Undertaking, and the Revenue arising thereon, any Sum or Sums of Money not exceeding in the whole the Sum of Seventy-five thousand Pounds.

Provisions of 8 & 9 Vict. c. 16. as to borrowed Money to apply to this Act.

XII. And be it enacted, That all the Provisions of the "Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held applicable to the borrowing of the said Company of all or any of the Monies by this Act authorized to be raised by them, and to the Conversion thereof into Capital: Provided always, that it shall not be lawful for the said Company to borrow on Mortgage any Sum or Sums of Money which, together with such Sums as may be due and owing by the said Company on Mortgage of their Undertaking at the Time of the borrowing of such Sum or Sums of Money, would amount to more than One Third of the said Capital of the Company in Shares or Stock: Provided also, that if any new Shares shall be created by virtue of this Act for the Purpose of converting into Capital any of the Monies by this Act authorized to be raised by the Company as aforesaid, such Shares shall entitle the Holders thereof to such Rights and Privileges only as may be determined in reference thereto before the Creation thereof by any General Meeting of the Company.

Former Mortgages to have Priority.

XIII. Provided further, and be it enacted, That all Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages to be created by virtue of this Act.

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

XIV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Interest not to be paid on Calls paid up.

XV. 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

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 said first-recited Acts in that Behalf contained.

Authorizing Formation of Railway and Branch.

XVI. And be it enacted, That, subject to the Provisions of this Act, and of the said first-recited Act as extended to this Act, it shall be lawful for the said *Midland* Railway Company to alter the Line, Gauge, and Levels of the *Mansfield and Pinxton* Railway, and to make and maintain the Railways herein-after mentioned, with all proper Works and Conveniences connected therewith; that is to say, a Railway commencing by a Junction with the Line of the *Erewash Valley* Railway as authorized to be made by "The *Midland* Railway, *Erewash Valley* Branches, Act, 1846," in the Parish of *Pinxton* in the County of *Derby*, and terminating by a Junction with the *Nottingham and Mansfield* Branch of the *Midland* Railway in the Parish of *Kirkby in Ashfield* in the County of *Nottingham*; also a Branch Railway commencing from and out of the said first-mentioned intended Railway in the said Parish of *Kirkby in Ashfield*, and terminating near *Bull's Head Lane* in the Parish of *Mansfield* in the County of *Nottingham*; also a Railway commencing by a Junction with the Line of the *Erewash Valley* Railway in the Parish of *Alfreton* in the County of *Derby*, and terminating in the said Parish of *Alfreton* near certain Works called the *Alfreton* Ironworks.

Deposit of Plans.

XVII. And whereas Plans and Sections showing the Lines and Levels of the said intended Railways, Branch Railway, and other Works by this Act authorized to be made, and also showing the said intended Alterations in the Line and Levels of the *Mansfield and Pinxton* Railway, together with Books of Reference to such Plans containing the Names of the reputed Owners, Lessees, and Occupiers of the Lands through which the same respectively are intended to pass, have been deposited with the Clerks of the Peace for the Counties of *Derby* and *Nottingham* respectively; be it enacted, That, subject to the Provisions of the said recited Acts as extended to this Act and of this Act, the said Railways, Branch Railway, and Works respectively shall be made or altered in the Line or Course or Lines or Courses and upon the Lands delineated on the said Plans and referred to in the said Book of Reference, and according to the Levels described on the said Sections, and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as may be required for the Purposes of the said Railways, Branch Railway, altered Railway, and Works.

XVIII. And

Power to cross Roads on the Level.

XVIII. And be it enacted, That, subject to the Provisions in the said "Railways Clauses Consolidation Act" contained, it shall be lawful for the said Company to carry the said Railways and Branch Railway, or any of them, across and on the Level of the several Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,)

The Road numbered 21 in the Parish of *Selston:*

The Roads numbered 35, 93, 114, and 115 respectively in the Parish of *Kirkby in Ashfield:*

The Roads numbered 10 *a* and 22 respectively in the Parish of *Sutton in Ashfield:*

The Roads numbered 25 and 64 respectively in the Parish of *Mansfield:*

The Road numbered 5 in the Parish of *Alfreton.*

Company to erect a Station or Lodge at Points of crossing, and to abide by Rules, &c. of the Commissioners of Railways.

XIX. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways cross the before-mentioned Roads on the Level, and the said 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 and 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.

Tolls.

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

Passengers Luggage.

XXI. And be it enacted, That every Passenger travelling upon the said Railways and Branch Railway hereby authorized to be made or altered may take with him his ordinary Luggage, not exceeding One

hundred and fifty Pounds in Weight for First-class Passengers, and One hundred Pounds in Weight for Second and Third Class Passengers, without any Charge being made for the same.

Land for extraordinary Purposes.

XXII. And be it enacted, That it shall be lawful for the Company to purchase any Quantity of Lands for extraordinary Purposes not exceeding Fifteen Acres.

Period for compulsory Purchase of Lands limited.

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

Period for Completion of Works.

XXIV. And be it enacted, That the said Railways and Branch Railway shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the said recited Acts granted to the said Company for executing the said Railways and Branch Railway shall cease to be exercised, except as to so much of the said Railways and Branch Railway respectively shall then be completed.

Expences of Act.

XXV. And be it enacted, That all Charges and Expences attending the passing of this Act or incidental thereto shall be paid by the said *Midland* Railway Company out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Railway Company 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.

XXVI. 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 in relation to Railways;* and Two other Acts were passed in the last Session of Parliament, respectively intituled *An Act for constituting Commissioners of Railways*, and *An Act for regulating the Gauge of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railways and Branch Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Company so far as the same shall be applicable thereto.

Railways to be subject to Provisions of

XXVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways and Branch Railway by

any future general Act.

by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during 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.

Short Title.

XXVIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in Pleadings, legal Instruments, and other Proceedings, it shall be sufficient to use the Expression "The *Midland* Railway, *Mansfield and Pinxton* Branch, Act, 1847."

Public Act.

XXIX. 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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