ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. ccxv.

An Act to authorize certain Deviations in the Line of the *Syston and Peterborough* Branch of the *Midland* Railway, and the Formation of a Road or Approach to the intended *Manton* Station thereof. [22d *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:* And whereas another Act was passed in the Eighth and Ninth Years of the Reign of Her said present Majesty, intituled *An Act to empower the* Midland *Railway Company to make a Branch from the said Railway near* Syston *in the County of* Leicester *to the City of* Peterborough: And whereas another Act was passed in the last Session of Parliament, intituled *An Act to authorize certain Alterations in the Line of the* Syston and Peterborough *Branch of the* Midland *Railway, and the Formation of certain other Branch Railways in connexion therewith:* And whereas it is expedient that certain Deviations should be made in the Line of the said *Syston and Peterborough* Branch Railway and in the Branch Railway to join the Line of the *Northampton and Peterborough* Rail-

7 & 8 Vict c. 18.

8 & 9 Vict. c. 56.

9 & 10 Vict. c. 51.

way in the Parish of *Elton* in the County of *Huntingdon* as authorized to be made by the said last-recited Act, and that a Road or Approach should be made to the intended *Manton* Station of the said *Syston and Peterborough* Railway, and it is also expedient that the said recited Acts should be amended, and further Powers granted to the *Midland* Railway Company for the Purposes aforesaid; but the same cannot be effected without the Authority of Parliament: And whereas Two Acts were passed in the Eighth Year of the Reign of Her present Majesty, called "The Railway Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845:" 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 of the said Three first-recited Acts, so far as the same may be applicable and are now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or as may be inconsistent with the Provisions of the said "Railways Clauses and Lands Clauses Consolidation Acts, 1845," 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 re-enacted in this Act in reference to such Purposes, Matters, and Things; and the said Acts and this Act shall be construed and read together as forming One Act.

Provisions of recited Acts extended to this Act.

II. And be it enacted, That the said "Railways Clauses Consolidation Act, 1845," and the said "Lands Clauses Consolidation Act, 1845," shall, so far as the same are applicable and are not modified by this Act or inconsistent with the Provisions thereof, be held to apply to the several Works by this Act authorized to be made, and shall be read and construed as forming Part of this Act.

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

III. And be it enacted, That in citing the said first-recited Act in other Acts of Parliament, or in legal Documents or Pleadings, it shall be sufficient to use the Expression "The *Midland* Railways Consolidation Act, 1844;" and in citing the said secondly-recited Act as aforesaid it shall be sufficient to use the Expression "*Midland* Railway, *Syston and Peterborough* Branch, Act, 1845;" and in citing the said thirdly-recited Act it shall be sufficient to use the Expression "*Midland* Railway, *Syston and Peterborough* Deviations and Branches, Act, 1846;" and in citing this Act as aforesaid it shall be sufficient to use the Expression "*Midland* Railway, *Syston and Peterborough* Deviations and *Manton* Approach, Act, 1847."

Short Titles.

IV. And whereas Maps or Plans and Sections showing the Direction and Levels of the new or altered Lines of Railway, and the Course and Direction of the said Road or Approach, together with Books of Reference to the said Plans containing the Names of the reputed Owners and Lessees and of the Occupiers of the Lands which may be required to be taken for the Purposes of the said new or altered Lines of Railway and Approach respectively, have been deposited with the Clerks of the Peace of the Counties of *Leicester*, *Rutland*, and *Northampton*, and of the Liberty or Soke of *Peterborough*; be it therefore

Deposited Plans to be open to Inspection.

therefore enacted, That it shall be lawful for all Persons interested at all seasonable Times to inspect such Plans, Sections, and Books of Reference, and such Persons may require to be furnished by either of the said Clerks of the Peace with Copies thereof or Extracts therefrom; and every such Clerk of the Peace shall give Access to such Documents, and, if required, shall furnish Copies thereof or Extracts therefrom respectively, in the like Manner and upon the same Terms, and under the like Penalty for Default, as is provided by an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.* 7 W. 4. & 1 Vict. c. 83.

V. And be it enacted, That the said Company shall abandon the Formation of certain Portions of the Line of the *Syston and Peterborough* Railway, and of the Branch therefrom to join the Line of the *Northampton and Peterborough* Branch of the *London and North-western* Railway as at present authorized to be made, situate between the Points thereon respectively herein-after mentioned; that is to say, from a Point on the said *Syston and Peterborough* Railway in a certain Field in the Parish of *Melton Mowbray* in the County of *Leicester*, numbered 1 on the Plans of the said Railway referred to in the said recited Act of the last Session of Parliament, to another Point thereon in a certain Field in the Parish of *Ashwell* in the County of *Rutland*, numbered 40 on the same Plans, and from a Point on the said Branch in a certain Field in the Parish of *Barnack* otherwise *Barnack with Pilsgate and Southorpe* in the Soke or Liberty of *Peterborough* in the County of *Northampton*, numbered 41 on the Plans of the said Branch referred to in the said last-mentioned Act, to the Junction of the same Branch with the said *Northampton and Peterborough* Branch of the *London and North-western* Railway, and it shall be lawful for the Company to make and maintain new Lines of Railway in lieu of the Portions so to be abandoned as aforesaid in the Lines or Course and upon the Lands delineated on the said Plans and referred to in the said Books of Reference deposited as aforesaid, and to enter upon, take, and use such of the said Lands as may be requisite for such Purpose; that is to say, Line of Deviation.

One of such new Lines of Railway commencing on the Line of the said *Syston and Peterborough* Railway in the said Field in the Parish of *Melton Mowbray* and County of *Leicester*, numbered 1 on the Plans of the said Railway referred to in the said recited Act of the last Session of Parliament, and terminating on the Line of the said *Syston and Peterborough* Railway in the said Field in the Parish of *Ashwell* and County of *Rutland*, numbered 40 on the said last-mentioned Plans;

And the other of such Alterations commencing on the Line of the said Branch of the *Syston and Peterborough* Railway to join the Line of the *Northampton and Peterborough* Branch of the *London and North-western* Railway, as authorized to be made by the said last-mentioned Act, in the said Field in the Parish of *Barnack* otherwise *Barnack with Pilsgate and Southorpe* in the Soke or Liberty of *Peterborough* in the County of *Northampton*, numbered 41 on the Plans of the said Branch Railway referred to in the

the same Act, and terminating by a Junction with the Line of the said *Northampton and Peterborough* Branch in the Parish of *Castor* otherwise *Castor with Upton, Ailsworth, and Sutton* in the Soke or Liberty of *Peterborough* and County of *Northampton* aforesaid.

Manton Approach to be made according to deposited Plans.

VI. And be it enacted, That it shall be lawful for the said Company to make the Approach or Road following; namely,

A Communication from the public Highway leading from *Manton* to *Wing* to the intended *Manton* Station of the said *Syston and Peterborough* Railway, and the Works thereof, in the Line or Course and upon the Lands delineated on the said Plans and referred to in the said Books of Reference, and to enter upon, take, and use such of the said Lands as may be requisite for the Purpose, such Approach, Road, or Communication passing wholly within the Parish of *Manton* in the County of *Rutland* aforesaid.

Certain Roads may be corssed on the Level.

VII. And be it enacted, That, subject to the Provisions in the said "Railways Clauses Consolidation Act" contained in reference to the crossing of Roads on a Level, it shall be lawful for the Company in the Construction of the Deviations or Alterations by this Act authorized to be made to carry the same across and on the Level of the several Roads numbered on the Plans deposited as herein-before mentioned as follows; (that is to say,)

In the Parish of *Melton Mowbray*, the Road numbered 26 on the said Plans:

In the Parishes of *Thorpe-Arnold* and *Wyfordby* intermixed, the Roads numbered respectively 10, 18 *a*, and 41 on the said Plans:

In the Parish of *Saxby*, the Road numbered 4 on the said Plans:

In the Parish of *Wymondham*, the Road numbered 7 on the said Plans:

In the Parish of *Edmondthorpe*, the Road numbered 5 on the said Plans:

In the Parish of *Teigh*, the Road numbered 3 *a* on the said Plans:

In the Parish of *Ashwell*, the Roads numbered respectively 15 and 25 on the said Plans:

In the Parish of *Castor*, the Roads numbered respectively 21 and 38 on the said Plans.

Company to erect Stations or Lodges at Points of crossing, and to abide by Rules, &c. of Commissioners of Railway.

VIII. 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 Railway shall cross on the Level the before-mentioned Roads, and the said Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or 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.

Lands for extraordinary Purposes.

IX. And be it enacted, That it shall be lawful for the Company to purchase and take for extraordinary Purposes any Quantity of Land, not exceeding Twenty Acres, in addition to the Lands which they are authorized to take for the same Purposes by the said recited Acts or either of them.

Limiting Time for Completion of Purchase.

X. 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.

Limiting Time for Completion of Works.

XI. And be it enacted, That the Works by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing the same shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Certain Purchases of Lands acquired by the Company confirmed.

XII. And whereas, in contemplation of this Act and of the Deviations or Alterations hereby authorized to be made, the said Company have purchased from the Right Honourable *Robert* Earl of *Harborough* certain Lands and Hereditaments situate in the several Parishes of *Saxby*, *Wymondham*, *Whissendine*, and *Teigh*, in the Counties of *Leicester* and *Rutland*, for the aggregate Sum of Twenty-four thousand eight hundred Pounds, and by an Indenture of Statutory Release bearing Date on or about the Fourth Day of *May* One thousand eight hundred and forty-seven, and made between *Thomas Paget* of *Leicester* in the County of *Leicester*, Esquire, of the First Part, the said *Robert* Earl of *Harborough* of the Second Part, and *George Hudson* of *Newby Park* in the County of *York*, Esquire, Member of Parliament, and *John Ellis* of *Belgrave* in the County of *Leicester*, Esquire, (Chairman and Deputy Chairman of the Directors of the said Company,) of the Third Part, such of the said Lands and Hereditaments as are situate in the Parishes of *Whissendine* and *Saxby* aforesaid, and by another Indenture of Statutory Release bearing Date on or about the said Fourth Day of *May* One thousand eight hundred and forty-seven, and made between *Thomas Paget* of *Humberstone* in the County of *Leicester*, Esquire, *John Mercer* of *Hardingstone* in the County of *Northampton*, Esquire, *Thomas Heycock* Esquire, and the Reverend *Charles Heycock* Clerk, both of *Owston* in the said County of *Leicester*, of the First Part, the said *Robert* Earl of *Harborough* of the Second Part, and the said *George Hudson* and *John Ellis* of the Third Part, such of the said Lands and Hereditaments as are situate in the Parish of *Wymondham* aforesaid, and by another Indenture of Statutory Release bearing Date on or about the said Fourth Day of *May* One thousand eight hundred and forty-seven, and made between *John Dawson Barnard* of *Owston* aforesaid, Esquire, of the First Part, *William Brett* of *Upper Broughton* in the County of *Nottingham*, Farmer, of the Second Part, the Earl of *Harborough* of the Third Part, and the said *George Hudson* and *John Ellis* of the

Fourth Part, such of the said Lands and Hereditaments as are situate in the Parish of *Teigh* aforesaid, were respectively conveyed and assured unto and to the Use of the said *George Hudson* and *John Ellis*, their Heirs and Assigns for ever, in trust nevertheless for the said *Midland* Railway Company, their Successors and Assigns; be it therefore enacted, That the several Conveyances aforesaid be and the same are hereby established, ratified, and confirmed, and further that the several Lands and Hereditaments thereby respectively conveyed, and the legal Fee Simple and Inheritance thereof, be and the same are henceforth, by virtue of such Conveyances and of this Act, effectually vested in the said Company, together with the full Benefit and Advantage of the several Covenants, Clauses, Agreements, Matters, and Things in the said Conveyances respectively contained, in the same Manner in all respects as if the said Conveyances respectively had been made to the said Company under and by virtue of the Provisions of this Act and the Acts therein recited.

Works to form Part of the Midland Railway.

XIII. And be it enacted, That when the said Alterations and Works authorized by this Act, or any Part thereof, shall be completed, the same shall form Part of the *Midland* Railway vested in the Company by the said first-recited Act as though the same had been completed before the passing of such Act, and thereby vested in them, and shall be subject to all the Provisions in the said Act contained with reference to the Maintenance, Use, or Protection of the said *Midland* Railway or otherwise, save in so far as the said Provisions may be modified by this Act.

Interest not to be paid on Calls paid up.

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 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 Company's Capital.

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 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.

Tolls.

XVI. And be it enacted, That it shall be lawful for the said Company to demand and receive in respect of the Carriage of Passengers, Cattle, Animals, Goods, Wares, or Merchandize conveyed on the

Railway by this Act authorized such Tolls as they are by the said secondly-recited Act authorized to demand and receive on the Railway thereby authorized, and none other.

Expences of Act.

XVII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may be liable, out of the first Monies that 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.

XVIII. 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 Session of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the said Tenth Year of the Reign of Her Majesty, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said 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 any future general Acts.

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

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.