CHAPTER xlv.

An Act for empowering the London and North-western Railway Company to make new Roads and other Works, and to acquire additional Lands; and for other purposes. A.D. 1877.

[28th June 1877.]

WHEREAS it is expedient that the London and North-western Railway Company (in this Act called the Company) should be empowered to make the new roads and footpaths, and to stop up the existing roads, street, and footpaths, and to execute the other works in this Act mentioned, and to acquire for the purposes of the works by this Act authorised, and for general purposes connected with their undertaking, the lands and buildings in this Act also mentioned:

And whereas it is expedient that the Company should be empowered to raise further capital for the purposes of this Act, and for the purpose of providing additional station, siding, rolling stock, and other accommodation, and for the general purposes of the Company:

And whereas plans of the lands by this Act authorised to be acquired and appropriated, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, and also plans and sections showing the respective lines and levels of the new roads and other works by this Act authorised to be made, were duly deposited with the clerks of the peace for the several counties within which those lands are situate and those works will be made, which plans, sections, and books of reference are in this Act respectively referred to as the deposited plans, sections, and books of reference:

And whereas it is expedient that some of the powers and provisions of the existing Acts relating to the Company should be altered, amended, extended, and enlarged, and that such further

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powers should be granted to the Company as are herein-after mentioned:

And whereas the purposes of this Act 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, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as the "London and North-western Railway (New Works and Additional Lands) Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act; (that is to say,)

The Lands Clauses Consolidation Acts, 1845, 1860, and 1869:

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (namely,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money;

The conversion of the borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company;

The making of dividends;

The giving of notices;

The provision to be made for affording access to the special Act by all parties interested:

Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act

wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute:

The expression "parish clerks" and "clerks of the several parishes" in sections 7, 8, and 9 of the Railways Clauses Consolidation Act, 1845, shall, with reference to the Company and as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans, sections, and other documents are required to be deposited with the clerk of the vestry of the parish or with the clerk of the district board for the district in which the parish or extra-parochial place is included, mean in the first case the vestry clerks of those parishes, and in the second case the clerks of those district boards respectively.

Power to make new roads, &c.

4. Subject to the provisions of this Act, the Company may make, in the lines shown on the deposited plans relating thereto and according to the levels shown on the deposited sections relating thereto, the new roads and other works herein-after described, with all proper works and conveniences connected therewith, and they may make the new footpaths and footways and exercise the other powers herein-after mentioned, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for those and other purposes; (that is to say,)

Chalk Farm.

(1.) Instead of altering and diverting in the parishes of Saint John, Hampstead, and Saint Pancras, in the county of Middlesex, a portion of the road known as King Henry's Road, and widening their railway in the said parish of Saint Pancras where it passes under the Chalk Farm Bridge, and extending the said bridge over the portion of railway so widened as shown on the deposited plans and sections, the Company may and shall in the said parishes, and within the limits of deviation shown on the deposited plans relating to the said works, alter the said road and the footpath on the north side thereof in the manner shown and coloured red on the plans and sections, four parts or copies of which have been signed by Matthew White Ridley, Esquire, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, one of which has been deposited in the Private Bill Office of that House; and they may acquire by compulsion or agreement and appropriate to the purposes

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of their undertaking so much of the said existing road as is coloured red on the last-mentioned plans:

Provided always, that nothing in this Act contained shall authorise or empower the Company to enter upon, take, or use any part of the dwelling-house, school buildings, yards, and outbuildings severally numbered on the deposited plans 1 in the said parish of Saint Pancras and 2 in the said parish of Saint John, Hampstead, or any land or buildings now occupied therewith as and for the industrial school called the Boys' Home, without the consent in writing of the existing lessees thereof, or the survivors or survivor of them, his executors, administrators, or assigns:

And if the Company purchase the said Boys' Home, they shall, until they are in respect of such property assessed to an amount equal to or greater than the gross rateable value of that property in the last rate made by the vestry of Saint Pancras prior to the purchase of that property by the Company, be liable to make good any deficiency in the assessments by reason of such property being taken or used by them, and the deficiency shall be computed according to the rental at which such property was rated at the time of such purchase:

Provided also, that the alteration of the said road and footpath in the parish of Saint John, Hampstead, shall be effected to the reasonable satisfaction of the surveyor of the said parish for the time being, and that so much of the footpath as will be constructed over land of the Company, and all necessary works connected therewith, shall be executed by and at the expense of the Company, and the Company shall at all times keep the supports of the said footpath in efficient repair:

Edgeware Road.

(2.) They may stop up and discontinue as a public highway the under-mentioned portion of the footpath in the parish of Willesden in the county of Middlesex which crosses on the level their Hampstead Junction Railway, at a point thereon two hundred and fifty yards or thereabouts south-west of the Edgeware Road Station on that railway; (that is to say,) so much thereof as extends from the Edgeware Road to Willesden Lane:

Cowroast.

(3.) They may make a new footpath in the parish of Berkhamsted Saint Mary, otherwise Northchurch, in the county of Hertford, commencing by a junction with the footpath

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leading from Aldbury to and into the public carriage-road from Berkhamsted to Tring, near the Cowroast Inn, at a point on that footpath at and on the east side of the level crossing of that footpath by their London and Birmingham Railway, and terminating by a junction with the footpath leading from Norcott to the said public carriage-road at and on the east side of the footbridge carrying that footpath over the said railway; and when they have made the said new footpath they may stop up and discontinue as a public highway so much of the first-mentioned footpath as lies between the boundaries of their property:

Aylesbury.

(4.) They may make a new footpath in the parish of Aylesbury in the county of Buckingham, commencing from and out of the public carriage-road called Dropshort, and terminating at a point on the public footpath leading from Dropshort to Station Street, Aylesbury, in the line delineated on a plan signed in duplicate by William Baker on behalf of the Company, and George Fell on behalf of the local board for the parish of Aylesbury; and when they have made the said new footpath, and gravelled and fenced the same to the reasonable satisfaction of the surveyor to the said local board, they may stop up and discontinue as public highways the existing footpath on the south side of the Aylesbury Branch Railway which extends from Dropshort to the northern end of Station Street, and so much of another footpath as lies between the first-mentioned existing footpath and the new footpath:

Bletchley.

(5.) They may make a new footpath in the township of Fenny Stratford in the parish of Bletchley in the county of Buckingham, commencing by a junction with the footpath leading from Newton Longville to the public carriage-road between Water Eaton and Bletchley, at a point on that footpath forty-five yards or thereabouts south-west of the crossing on the level by that footpath of their London and Birmingham Railway, and terminating by a junction with the said public carriage-road at a point thereon twenty-five yards or thereabouts south-west of where it passes under the said railway; and when they have made the said new footpath they may stop up and discontinue as a public highway so much of the existing footpath as lies between the commencement of the new footpath and the eastern boundary of their property:

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Northampton.

(6.) They may stop up and discontinue for its entire length as a public highway the footpath in the parish of Hardingstone in the county of Northampton which now crosses their Northampton and Peterborough Railway, at a point thereon three hundred and thirty yards or thereabouts west of the Northampton passenger station on that railway, and they may take down, remove, and discontinue the foot-bridge and the steps connected therewith by which that footpath is carried over that railway:

Kingscliffe.

(7.) They may make a new footpath in the parish of Kingscliffe in the county of Northampton, commencing by a junction with the existing footpath leading from Blatherwycke and Fineshade to the public carriage-road from Kingscliffe to Duddington, at a point on that existing footpath two hundred and seventy yards or thereabouts west of the point where the said footpath joins the said road, and terminating by a junction with that road at a point thereon one hundred yards or thereabouts north-west of the said junction of the said footpath and road; and when they have made the said new footpath they may stop up and discontinue as a public highway so much of the existing footpath as lies eastward of the commencement of the new footpath:

Wolverhampton.

(8.) They may in the township and parish of Wolverhampton in the county of Stafford execute the works and exercise the powers following; (that is to say,)

(*a*) Extend in an easterly direction for a distance of thirty-five yards or thereabouts the bridge which now carries their Stour Valley Railway over the public carriage-road leading from Wolverhampton to Wednesfield, at a point on that railway one hundred and fifty yards or thereabouts north-west of the booking office of their passenger station at Wolverhampton, and the Company shall well and effectually light that portion of the said public carriage-road over which the said bridge when extended under the authority of this Act will be carried:

(*b*) Extend in an easterly direction for a distance of twenty yards or thereabouts the bridge which now carries the last-mentioned railway over the public carriage-road leading from Wolverhampton into the first-mentioned road, at a point on that railway three

hundred yards or thereabouts north-west of the same booking office:

(*c*) Extend in a north-easterly direction for a distance of twenty yards or thereabouts the bridge which now carries the last-mentioned railway over Sun Street and New Mill Street, or one of them, and arch over so much of Bayley Street as extends in an easterly direction from the western end thereof for a distance of twenty yards or thereabouts, and the Company shall well and effectually light that portion of Sun Street, New Mill Street, and Bayley Street over which the said bridge when extended and the said arch when erected under the authority of this Act will be carried:

(*d*) Stop up and appropriate to the purposes of their undertaking the under-mentioned portion of the public carriage-road which passes along the north-east side of and contiguous to the said passenger station; (that is to say,) so much thereof as extends from the junction of that public carriage-road with New Mill Street to the first-mentioned bridge:

Provided always, that if they so stop up any portion of the said public carriage-road, they may and shall continue the footpath which now crosses that road between their high level station and the Great Western Railway Company's low level station to the north-east side of the said public carriage-road by means of a subway in a direction lineable with and on the same level as and of not less height and width than the existing subway by which that footpath is now carried under the Company's property, and shall thence carry the said footpath under a roof or gallery along the north-east side of that road to and so as to form a junction with the existing incline leading from that road into the said low level station, and the said continuation of subway and footpath and also the said existing subway shall be well and effectually lighted by the Company: Provided also, that the Company may and shall have and enjoy an easement and right of carrying, constructing, and maintaining their works over the said continuation of subway and footpath:

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Provided also, that the Company shall not erect any building or fence-wall upon that portion of the road to be stopped up which is immediately opposite to the present office buildings of the Great Western Station of a greater height than four feet above the level of the rails of the Company's railway there; and the Company shall construct and maintain a retaining wall on the north-eastern side of the said public carriage-road to be stopped up as aforesaid to the present level of the Company's rails, and such wall shall be of brick and of such a reasonably ornamental character as shall, in case of difference, be determined by an engineer to be appointed by the Board of Trade:

(*e*) Acquire by compulsion or agreement and hold certain lands, houses, and buildings adjoining and lying between Bayley Street and Sun Street:

And the Company and the Corporation of Wolverhampton may make and carry into effect agreements with respect to the execution of those works and the exercise of those powers:

Doxey.

(9.) They may, in the township of Aston and Doxey in the parish of Seighford and in the parish of Castlechurch, all in the county of Stafford, execute the works and exercise the powers following; (that is to say,)

(*a*) Make a new road commencing from and out of the public carriage-road leading from Doxey to Tillington, at a point thereon three hundred yards or thereabouts east of Doxey Ford, and terminating at the bridge called Doxey Bridge by a junction with the road which crosses their Crewe and Stafford Railway by means of that bridge at a point six hundred and fifty yards or thereabouts north-west of the Stafford passenger station; and when they have made the said new road they may stop up and discontinue as a public highway so much and such parts of the existing footpath between the commencement and termination of the new road as will lie outside of and beyond that new road:

(*b*) Carry the said road from Doxey to Tillington over the brook by which that road is crossed at Doxey Ford by means of a bridge, and for that purpose may

alter the level of so much of the said road as extends for a distance of fifty yards or thereabouts on each side of the said crossing:

(*c*) And when they have made the said new road they may stop up and discontinue as a public highway so much of the said public carriage-road leading from Doxey to Tillington as extends from the south-west boundary of their property in a north-easterly direction to the river Sow:

Repeal. Sub-section twelve of section four of the London and North-western Railway (New Works and Additional Powers) Act, 1873, relating to roads in the parishes of Seighford and Saint Mary and Saint Chad, Stafford, shall be and the same is hereby repealed:

Worston Mill. (10.) They may carry over their Crewe and Stafford Railway, by means of a footbridge, the footpath in the township of Little Bridgeford in the parish of Seighford in the county of Stafford which now crosses that railway on the level at a point thereon one hundred yards or thereabouts south of Worston Mill; and when they have made that footbridge they may stop up and discontinue as a public highway so much of the existing footpath as lies between the boundaries of their property:

Battnalls. (11.) They may make a new footpath in the townships of Slindon and Three Farms in the parish of Eccleshall in the county of Stafford, commencing at the south-west boundary of their Crewe and Stafford Railway, from and out of the footpath which now crosses that railway on the level at or near Eastfields Farm, and terminating by a junction with the public carriage-road from Eccleshall to Swinnerton at a point thereon one hundred yards or thereabouts south-west of the bridge carrying that road over the said railway; and when they have made the said new footpath they may stop up and discontinue as a public highway so much of the existing footpath as extends from the commencement of the new footpath to the north-east boundary of their property:

Mill Meece. (12.) They may stop up and discontinue as a public highway the under-mentioned portion of the footpath in the township of Mill Meece in the parish of Eccleshall in the county of Stafford which now crosses on the level their Crewe and Stafford Railway at a distance of six hundred yards from the mill and buildings known as Mill Meece, measured in

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a north-westerly direction along the public carriage-road leading from Mill Meece to Standon Bridge Station; (that is to say,) so much thereof as lies between the boundaries of their property:

Hatton. (13.) They may carry over their Crewe and Stafford Railway, by means of a footbridge, the footpath in the township of Cotes in the parish of Eccleshall in the county of Stafford which now crosses that railway on the level at a point thereon twelve hundred yards or thereabouts north of the Standon Bridge Station on that railway; and when they have made that footbridge they may stop up and discontinue as a public highway so much of the existing footpath as lies between the boundaries of their property:

Stableford. (14.) They may carry over their Crewe and Stafford Railway, by means of a footbridge, the footpath in the township of Shelton in the parish of Swinnerton in the county of Stafford which now crosses that railway on the level at a point thereon six hundred yards or thereabouts south of the bridge which carries the turnpike road over that railway at Stableford; and when they have made that footbridge they may stop up and discontinue as a public highway so much of the existing footpath as lies between the boundaries of their property:

Chorlton Mill. (15.) They may carry over their Crewe and Stafford Railway, by means of a footbridge, the footpath in the township of Hill Chorlton in the parish of Whitmore in the county of Stafford which now crosses that railway on the level at a point thereon five hundred yards or thereabouts north-west of Chorlton Mill; and when they have made that footbridge they may stop up and discontinue as a public highway so much of the existing footpath as lies between the boundaries of their property:

Madeley. (16.) They may carry over their Crewe and Stafford Railway, by means of a footbridge, the footpath in the township and parish of Madeley in the county of Stafford which now crosses that railway on the level at the north-west end of the Madeley Station on that railway; and when they have made that footbridge they may stop up and discontinue as a public highway so much of the existing footpath as lies between the boundaries of their property:

Chorlton. (17.) They may carry under their Crewe and Stafford Railway, by means of a subway, the footpath in the township of Chorlton in the parish of Wybunbury in the county of

Chester which now crosses that railway on the level at a point thereon three hundred and fifty yards or thereabouts north-west of the bridge carrying that railway over the public carriage-road near Chorlton; and when they have made that subway they may stop up and discontinue as a public highway so much of the existing footpath as lies between the boundaries of their property:

Basford No. 1.

(18.) They may carry over their Crewe and Stafford Railway, by means of a footbridge, the footpath in the township of Chorlton in the parish of Wybunbury in the county of Chester which now crosses that railway on the level at a point thereon four hundred yards or thereabouts south of the bridge which carries the public carriage-road from Nantwich to Newcastle-under-Lyme over the said railway; and when they have made that footbridge they may stop up and discontinue as a public highway so much of the existing footpath as lies between the boundaries of their property:

Basford No. 2.

(19.) They may make a new footpath in the townships of Basford and Chorlton in the parish of Wybunbury, or one of them, in the county of Chester, commencing out of the existing footpath which now crosses on the level their Crewe and Stafford Railway, one hundred yards or thereabouts north of the bridge carrying the public carriage-road from Nantwich to Newcastle-under-Lyme over the said railway, at a point on that footpath immediately west of the said level crossing, and terminating by a junction with the said public carriage-road at the said bridge and on the west side thereof; and when they have made that new footpath they may stop up and discontinue so much of the existing footpath as lies between the boundaries of their property:

Basford Hall.

(20.) They may make a new footpath in the township of Basford in the parish of Wybunbury in the county of Chester, commencing at and on the east side of the bridge which carries the public carriage-road near Basford Hall over their Crewe and Stafford Railway, and terminating by a junction with the footpath which now crosses that railway on the level one hundred yards or thereabouts north of the said bridge, at a point on that footpath at and on the east side of the said level crossing; and when they have made that new footpath they may stop up and dis-

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continue so much of the existing footpath as lies between the boundaries of their property:

Crewe.

(21.) They may make a new footpath in the townships of Monks Coppenhall and Church Coppenhall in the parish of Coppenhall in the county of Chester, commencing from and out of the public carriage-road leading from Earl Street, Crewe, to Crewe Green, at a point on that road south-east of and adjoining the bridge carrying that road over their Crewe and Manchester Railway, and terminating by a junction with the footpath which crosses the said railway on the level at Shaw Hall, at a point thereon east of and adjoining that level crossing; and when they have made that new footpath they may stop up and discontinue as public highways so much of the last-mentioned existing footpath as extends from the east side of the said level crossing in a north-westerly direction for a distance of seventy yards or thereabouts, and also the under-mentioned portion of another footpath which crosses on the level the same railway, at a point thereon four hundred and twenty yards or thereabouts south-west of the first-mentioned level crossing; (that is to say,) so much thereof as extends from Hall-o'-th'-Shaw Street across the said railway on the level to the eastern boundary of their property:

Warrington.

(22.) They may (in lieu of and substitution for the authorised diversion of a private or occupation road in the parishes of Winwick and Warrington, shown on the deposited plans of the widening of their Grand Junction and Winwick and Golborne Railways, authorised by the London and North-western Railway, New Lines and Additional Powers, Act, 1876,) make a private or occupation road and public footpath in the townships of Warrington and Burtonwood, or one of them, in the parish of Warrington in the county of Lancaster, commencing from and out of Jockey Lane, at a point thereon two hundred yards or thereabouts west of the point where that lane is carried over their Grand Junction Railway, and terminating by a junction with the private or occupation road leading from Warrington to Dallam House, at a point thereon two hundred and twenty yards or thereabouts north-west of the level crossing of the Grand Junction Railway by that road; and when that public footpath is opened for the use of the public they may stop up and discontinue as

public highways the footpath or public right of way along so much of the last-mentioned private or occupation road as extends from the eastern boundary of their property for a distance of eighty yards or thereabouts in a north-westerly direction, and also the whole of the existing footpath between Jockey Lane and the last-mentioned private or occupation road:

Sydney Street East, Liverpool.

(23.) They may, in the township and parish of Liverpool in the county of Lancaster, stop up and discontinue as a public highway the whole of Sydney Street East, and so much of Hotham Street as lies between Sydney Street East and Lord Nelson Street; and they may appropriate to the purposes of their undertaking the site of the street and portion of street so stopped up:

Repeal.

And sub-section 16 of section 28 of the London and North-western Railway (England and Ireland) Act, 1874, relating to a new street in Liverpool in lieu of a portion of Sydney Street East, shall be and the same is hereby repealed:

Abergavenny.

(24.) They may, in the parish of Abergavenny in the county of Monmouth, stop up and discontinue as a public highway the under-mentioned portion of the footpath which now crosses their Merthyr, Tredegar, and Abergavenny Railway, at a point on that railway two hundred yards or thereabouts east of the bridge which carries the turnpike road leading from Hereford to Abergavenny over that railway; (that is to say,) so much thereof as extends from the northern boundary of their property to the junction of the said footpath with the said road:

Govilon.

(25.) They may stop up and discontinue as a public highway the under-mentioned portion of the public carriage-road in the parish of Llanwenarth Ultra in the county of Monmouth which now crosses on the level their Merthyr, Tredegar, and Abergavenny Railway at the Govilon Station on that railway; (that is to say,) so much thereof as lies between the boundaries of their property.

Confirming agreement with Corporation of Wolverhampton as to works in the parish of Wolverhampton.

5. The agreement dated the first day of March one thousand eight hundred and seventy-seven, and made between the mayor, aldermen, and burgesses of the borough of Wolverhampton of the one part, and the Company of the other part, which is set forth in the first schedule to this Act, is hereby confirmed and made binding on the parties thereto, and full effect may and shall be given thereto.

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Provision as to certain lands in parish of Wolverhampton.

6. Whereas the Company are by this Act empowered to acquire certain lands and buildings in the parish of Wolverhampton, and by a Bill now pending in Parliament, intituled "An Act for enabling "the Midland Railway Company to construct a new railway, an "aqueduct, and other works, to acquire additional lands and two "branch railways, and to raise additional capital; and for con- "ferring additional powers upon them in relation to their own "undertaking, and upon them and the London and North-western "Railway Company with relation to their Ashby and Nuneaton "Joint Line; and for other purposes," it is sought and intended to empower the Midland Railway Company to acquire the same lands and buildings, which are herein-after called "the said lands:" Therefore if the said Bill pass into a law empowering that company to acquire those lands and buildings, the powers by this Act conferred upon the Company with respect to the said lands shall be exercised, only subject to and in accordance with the following provisions:

(1.) The Company shall, before exercising the powers aforesaid, and before the expiration of three months from the passing of this Act, give to the Midland Railway Company notice in writing under their common seal of their desire to acquire the said lands, or such part of them as may be specified in the notice:

(2.) If within the period of three months after the giving of such notice the Midland Railway Company signify by notice in writing under their common seal to the Company their objection to the acquisition by the Company of the lands and buildings mentioned in the first notice, or any part thereof, specifying the particular lands and buildings, or parts thereof, to the acquisition whereof by the Company the objection applies, the Company shall not (unless with the previous consent expressed as aforesaid of the Midland Railway Company until after the expiration of six months from the passing of this Act, or such longer period as is herein-after provided for,) exercise the powers of this Act with respect to such of the said lands and buildings as are specified in the notice so given by the Midland Railway Company:

(3.) If the two Companies have not before the expiration of six months from the passing of this Act agreed in writing under their respective common seals as to the acquisition, use, and appropriation of the said lands, or such of them as appear from the said notices to be required by both

Companies, and as to the works to be constructed thereon by or for the use or convenience of the two Companies, either separately or jointly, and as to the apportionment of the cost incurred in relation to the matters aforesaid (which agreement they are hereby empowered to make and carry into effect), every difference between them with respect to the acquisition, use, and appropriation of the lands and buildings so required by both of them, and with respect to the works to be constructed thereon by or for the use or convenience of the two Companies, either separately or jointly, and with respect to the apportionment of the cost incurred in relation to the matters aforesaid, shall be determined by arbitration in the manner prescribed by the Railway Companies Arbitration Act, 1859; and each of the two Companies shall proceed in such arbitration without any unnecessary delay, and so as to admit of the umpire or single arbitrator, as the case may be, making his award within twelve months at the utmost from the passing of this Act, and the umpire or arbitrator is hereby empowered to proceed peremptorily, and, if necessary, in the absence of either Company, so as to enable him to make his award within that period.

Power to deviate in construction of new roads, &c.

7. The Company may, in constructing the new roads and other works authorised by this Act, deviate the same to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet, but not so as to increase the rate of inclination as shown on the deposited sections of any new road.

Provision as to repair of new roads, &c.

8. Save and except the private or occupation road herein-before described and by this Act authorised, the new roads and footpaths to be made by the Company under the authority of this Act (except the stone, iron, or other structure carrying any new road or footpath over the railway of the Company, which structure shall be repaired and maintained by and at the expense of the Company) shall, when made and completed respectively, from time to time be repaired and maintained by and at the expense of the same parties, in the same manner and to the same extent as other roads and footpaths within the townships or parishes respectively in which such new roads and footpaths will be situate are from time to time liable to be repaired or maintained.

If any question shall arise between the Company and any of such parties as to the due completion of any new road or footpath, such question shall from time to time be determined by two justices on

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the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such justices for the purpose, and the certificate of such justices of the due completion of such new road or footpath shall be conclusive evidence of the fact so certified.

Power to acquire lands and execute other works.

9. Subject to the provisions of this Act, and in addition to the other lands, houses, and buildings which the Company are by this Act authorised to acquire, the Company may from time to time enter upon, take, use, and appropriate to the purposes of extending the station, siding, warehouse, coal wharf, depôt, mineral, goods, and other accommodation of the Company, and for the purposes of the works herein-after specified, and for other purposes connected with their undertaking, the lands, houses, and buildings herein-after described or referred to, and may in connexion with such use and appropriation execute the works and exercise the powers herein-after mentioned; (that is to say,)

Certain lands, houses, and buildings in the parish of West Ham in the county of Essex, lying on the east side of and adjoining the North Woolwich branch of the Great Eastern Railway, and north of and adjoining the Barking Road: Provided always, that nothing in this Act contained shall be held or construed to take away, alter, prejudice, or affect any of the rights, powers, or authorities of the West Ham Local Board with respect to the sewer of the said local board under the lands numbered on the deposited plans 5 in the parish of West Ham;

Certain lands, houses, and buildings in the parish of Watford in the county of Hertford, lying on the east side of and adjoining the London and Birmingham Railway of the Company, at the Bushey Station;

Certain lands, partly in the parish of Bushey and partly in the parish of Watford in the county of Hertford, lying on the south-west side of and adjoining the London and Birmingham Railway of the Company, and on the south side of the river Colne;

Certain lands, houses, and buildings in the parish of Edlesborough in the county of Buckingham, lying on the east side of and adjoining the London and Birmingham Railway of the Company, and one thousand one hundred yards or thereabouts north of the Cheddington Station on that railway;

Certain lands, houses, and buildings in the parish of Linslade in the county of Buckingham, lying on the west side of the

London and Birmingham Railway of the Company, and adjoining the Leighton goods station on that railway;

And certain other lands in the same parish, lying on the west side of the same railway, and adjoining the Leighton passenger station;

Certain lands in the township of Fenny Stratford in the parish of Bletchley in the county of Buckingham, lying on the east side of and adjoining the London and Birmingham Railway of the Company, and on the north side of and adjoining the public carriage-road leading from Water Eaton to Bletchley;

Certain lands in the parish of Great Linford in the county of Buckingham, lying on the north side of and adjoining the Newport Pagnell Railway of the Company, at the Linford Station on that railway;

Certain lands, houses, and buildings in the township of Brandon and Bretford in the parish of Wolston in the county of Warwick, lying on the north side of and adjoining the London and Birmingham Railway of the Company, and near the Brandon Station on that railway;

Certain lands in the parish of Saint Michael with Saint John, Coventry, in the county of Warwick, lying on the north side of and adjoining the Coventry and Nuneaton Railway of the Company, and adjoining the cattle market of the Coventry Public Cattle Sales Company (Limited);

Certain lands, houses, and buildings in the parish of Aston-juxta-Birmingham in the county of Warwick, lying on the north side of and adjoining the Grand Junction Railway of the Company and adjoining Lawley Street;

And the Company may extend in a north-westerly direction for a distance of ten yards or thereabouts the arching or bridge carrying that railway over that street;

Certain lands in the parish of Saint Michael, Lichfield, in the county of Stafford, lying on the north-east side of and adjoining the Trent Valley Railway of the Company, and five hundred and fifty yards or thereabouts north-west of the Lichfield Station on that railway;

Certain lands in the townships of Horninglow and Stretton, or one of them, in the parish of Burton-upon-Trent in the county of Stafford, lying on the south-east side of and adjoining the Company's railway, and near the junction of that railway with the railway of the Midland Railway Company;

Certain lands in the parish of Armitage and Hansacre in the county of Stafford, lying on the south side of and adjoining

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the Trent Valley Railway of the Company, and four hundred yards or thereabouts north-west of the Armitage Station on that railway;

Certain lands, houses, and buildings in the township of Hednesford in the parish of Cannock in the county of Stafford, lying on the east side of and adjoining the Cannock and Rugeley Railway of the Company, and near to and south of the Hednesford Station on that railway;

Certain lands, houses, and buildings in the parish of Handsworth in the county of Stafford, lying on the west side of and adjoining the Grand Junction Railway of the Company, and two hundred yards or thereabouts north-west of the Witton Station on that railway;

Certain lands, houses, and buildings in the parish of Castlechurch in the county of Stafford, lying on the south-west side of and adjoining the Grand Junction Railway of the Company, and partly at the junction with that railway of the Trent Valley Railway of the Company, and partly between that junction and the junction with the Grand Junction Railway of the Shrewsbury and Stafford Railway of the Company;

And the Company may widen the said Grand Junction Railway where it passes under the Stafford and Wolverhampton Road for a space of fifteen yards or thereabouts in a south-westerly direction and where it passes under the Newport Road for a space of eighteen yards or thereabouts in a westerly direction, and may carry the said roads respectively over the railway so widened by means of bridges, and may alter the levels of the said two roads so far as may be necessary for the purposes of the said widenings:

Provided that so far as the Company shall under the powers of this Act alter the said bridges, or either of them, or the approaches thereto, a good and sufficient fence shall be formed on each side of the bridges of not less height than six feet, and on each side of the approaches of the bridges of not less height than three feet, and that the road over the bridges shall not be narrowed, and that a causeway at least five feet wide shall be formed on each side of the roads, both over the bridges and along the approaches thereto where altered as aforesaid. Each causeway shall be properly edged with a kerb stone and gravelled, and proper channels for carrying off the water shall be formed between the causeways and the roads with proper drains therefrom, and the approach to the bridge carrying the Newport Road over the railway shall be formed of an inclination not greater than one foot in twenty-five feet;

Certain lands in the township of Aston-and-Doxey in the parish of Seighford in the county of Stafford, lying on the north-east side of and adjoining the Crewe and Stafford Railway of the Company, and near the level crossing of that railway, by the public carriage-road leading from Doxey to Tillington;

Certain lands in the township of Little Bridgeford in the parish of Seighford in the county of Stafford, lying on the north-east side of and adjoining the Crewe and Stafford Railway of the Company and near to and north of the bridge carrying the public carriage-road from Stafford to Eccleshall over that railway;

Certain lands partly in the township of Worston in the parish of Saint Mary and Saint Chad, Stafford, and partly in the township and parish of Chebsey, both in the county of Stafford, lying on the west side of and adjoining the Crewe and Stafford Railway of the Company, and a quarter of a mile or thereabouts north of Worston Mill;

Certain lands in the townships of Cotes and Mill Meece in the parish of Eccleshall in the county of Stafford, lying on the west side of and adjoining the Crewe and Stafford Railway of the Company, and on the south side of and near to the Standon Bridge Station on that railway;

Certain lands, houses, and buildings in the township of Crewe in the parish of Barthomley in the county of Chester, lying on the east side of and adjoining the Crewe passenger station of the Company;

Certain lands, houses, and buildings in the township of Bollin-Fee in the parish of Wilmslow in the county of Chester, lying on the west side of and adjoining the Manchester and Crewe Railway of the Company, at or near the Wilmslow Station;

Certain lands, houses, and buildings in the township and parish of Warrington in the county of Lancaster, lying on the east side of and adjoining the Company's goods station at Warrington:

Provided that the Company shall, before utilising the said lands for railway purposes, grant and convey for the purposes of a public highway, free of charge, to the mayor, aldermen, and burgesses of the borough of Warrington, a strip of land not less than three feet in width and extending in length along the west side of Crosfield Street, from Sankey Street, for a distance of seven hundred feet or thereabouts, or along so much of the land within that distance as shall be purchased by the

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Company, and shall erect an ornamental wall along the boundary of the land so conveyed, and for ever thereafter maintain the same;

Certain lands in the township of Kenyon in the parish of Winwick in the county of Lancaster, lying on the south side of the Liverpool and Manchester Railway of the Company, and adjoining the Kenyon Station on that railway;

Certain lands, houses, and buildings partly in the township of Great Bolton in the parish of Bolton-le-Moors, and partly in the township of Great Lever in the parish of Middleton, all in the county of Lancaster, lying on the east side of and adjoining the Little Hulton Extension Railway of the Company between Boundary Street and Stafford Street, Bolton;

Certain lands, houses, and buildings in the township and parish of Preston in the county of Lancaster, lying at the junction of Savoy Street and Green Street West;

Certain lands in the township of Reddish in the parish of Manchester in the county of Lancaster, lying on the south-east side of and adjoining the Reddish Station on the Stockport and Staleybridge Railway of the Company;

Certain lands, houses, and buildings in the township and parish of Liverpool in the county of Lancaster, lying on the west side of and adjoining Saint Vincent Street, and between Sydney Street East and Lord Nelson Street;

Certain lands, houses, and buildings in the township of Tebay in the parish of Orton in the county of Westmoreland, lying on the east side of and near to the junction of the North-eastern Railway with the Company's railway at Tebay;

Certain lands in the parish of Stokesay in the county of Salop, lying on the west side of and adjoining the Shrewsbury and Hereford and the Central Wales Railways, at the Craven Arms Junction;

Certain lands, houses, and buildings in the parish of Saint Thomas in the city and county of Bristol, lying on the east side of and adjoining Thomas Street, and near the junction of that street with Mitchell Lane;

Certain lands in the township of Rhyl in the parish of Rhuddlan in the county of Flint, lying on the south-east side of and adjoining the Chester and Holyhead Railway of the Company, and near the Rhyl Station on that railway;

Certain lands, houses, and buildings in the parish of Abergele in the county of Denbigh, lying on the south side of and adjoining the Chester and Holyhead Railway of the Company, and

near to and on the west side of the Abergele Station on that railway;

And the Company may stop up and discontinue as a public highway so much of the road which forms the eastern boundary of those lands as extends for a distance of one hundred and five yards or thereabouts from the Company's railway; and they may appropriate to the purposes of their undertaking the site of the portion of road so stopped up;

Certain lands, houses, and buildings in the parish of Festiniog in the county of Merioneth, lying partly on the north-west and partly on the south-east sides of the public carriage-road leading from Glan-y-pwll level crossing on the Dyffws branch of the Festiniog Railway to the turnpike road from Bettws-y-Coed to Festiniog, and near to and north-east of the said Glan-y-pwll crossing, and adjoining the Company's property there;

Certain lands in the parish of Abergavenny in the county of Monmouth, lying near to and on the east side of the Abergavenny Station of the Company, and adjoining the Company's property there;

And the Company may extend for a distance of eight yards or thereabouts on each side the bridge which carries the Merthyr, Tredegar, and Abergavenny Railway over Chapel Road;

Certain lands in the parish of Aberystruth in the county of Monmouth, lying on the north-east side of and adjoining the Brynmawr and Blaenavon Railway of the Company, and north-west of and adjoining the Waenavon Station on that railway;

Certain lands in the parish of Llanfoist in the county of Monmouth, lying on the north-east side of and adjoining the Brynmawr and Blaenavon Railway of the Company, near and opposite to the junction therewith of the Furnace Sidings to the works of the Blaenavon Company (Limited) at Blaenavon.

For the protection of the Corporation of Liverpool.

10. In exercising in the borough of Liverpool the powers in this Act contained, the Company shall conform to and observe the following provisions, regulations, and restrictions, and the expression "the corporation" in this section shall mean the mayor, aldermen, and burgesses of the borough of Liverpool:

(1.) The provisions of the Railways Clauses Consolidation Act, 1845, contained in the sections 18 to 23 inclusive, shall apply to the water mains and pipes of the corporation,

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and whenever in those sections the words "company" or "society" are used, the same shall for all the purposes of this Act be held to extend to and include the corporation:

(2.) Whenever the water mains or pipes of the corporation shall be severed or interfered with by the works authorised by this Act, and whenever it is necessary for maintaining the supply of water to lay additional water mains or pipes, such additional water mains or pipes shall, previous to the severance or interference, be laid by the corporation at the expense of the Company:

(3.) If by reason of the execution of any of the powers of this Act any increased length of water mains or pipes shall become necessary, the same shall be laid down by the corporation at the expense of the Company, upon such plan and in such manner as shall be approved of by the corporation:

(4.) Whenever by the appropriation or destruction of property under this Act authorised any water mains or pipes laid for the supply of such property, except pipes inside such property, shall be rendered unnecessary, the Company shall pay the corporation the cost of laying an equivalent length of water mains or pipes, and the cost of the works required for the discontinuance of such water mains or pipes rendered unnecessary as shall be estimated by the water engineer, and the water mains and pipes so rendered unnecessary shall be the property of the Company:

(5.) If by reason of the execution of any of the powers of this Act the corporation shall at any time necessarily incur any cost in altering any existing sewer or drain, the Company shall repay to the corporation such cost, and the same may be recovered in default of payment in any court of competent jurisdiction:

(6.) If by reason of the execution of any of the powers of this Act any increased length of sewers or drains shall become necessary, the same shall be constructed by the corporation at the expense of the Company:

(7.) Whenever it may be necessary to intercept or interfere with any existing sewer or drain the Company shall, before intercepting or interfering with such existing sewer or drain, construct, according to a plan to be approved of by the corporation, another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be

intercepted or interfered with, and such sewer or substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be intercepted or interfered with, and in such manner as shall be approved of by the corporation:

(8.) Before stopping up or otherwise interfering with Sydney Street East or Hotham Street, the Company shall, if required by the corporation, acquire their interests in the whole of the property between Lord Nelson Street and Sydney Street East; and in case of difference as to the purchase money and compensation to be paid for the same, the amount thereof shall be determined by arbitration in the manner provided by the Lands Clauses Consolidation Act, 1845:

(9.) Before stopping up or otherwise interfering with Sydney Street East or Hotham Street, the Company shall construct a back passage in continuation of and of the same width as the portion of the existing passage which is parallel to Lord Nelson Street, so as to communicate in a direct line with Saint Vincent Street, and shall flag the same to the satisfaction of the corporation, and the same may be used by the persons who are entitled to use the existing passage communicating with Sydney Street East, and by the owners and occupiers of property adjoining the said passage to be constructed as aforesaid; and the same shall after completion thereof be kept in repair by the owners of property adjoining the same to the extent of their respective frontages.

For the protection of the Corporation of Birmingham.

11. In relation to the extending of the bridge over Lawley Street in the borough of Birmingham, and to the lands, houses, and buildings in that borough which the Company are by this Act empowered to acquire, the following provisions for the protection of the mayor, aldermen, and burgesses of the borough of Birmingham (in this section called the corporation) shall have effect; (that is to say,)

1. The Company shall make the extended bridge over Lawley Street as shown on the deposited plan and section, and to the reasonable satisfaction of the corporation, and shall construct and maintain on the north-west side thereof a close screen or fence not less than eight feet in height above the highest point of the rails laid on such extended bridge, and shall continue such screen or fence for at least fifteen feet from each end of such bridge, and such extended bridge

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shall be so constructed and maintained as to be as far as possible watertight:

2. Whenever the Company become possessed of any property assessed or liable to be assessed to any rate leviable within the borough, then, and until the works to be constructed under this Act be so far completed as to be assessable to such rate, the Company shall make good the deficiency in the assessments for such rate by reason of such property being taken or used by them for the purposes of this Act, and the deficiency shall be computed according to the rental at which such property shall be rated at the passing of this Act.

For protection of Post Office telegraphs.

12. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, and not situate upon the Company's railway or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply; (that is to say,)

(Notice to be given before interfering with telegraphs.)

(1.) Before the Company alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto, and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company and thereafter at his own expense maintain the works specified in the Company's notice and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway. If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires to be pro-

vided by the Company at their own expense, to the satisfaction in all respects of the Postmaster General:

(Compensation by Company to Postmaster General, and penalty.)

(2.) Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues. The amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

(Saving for Telegraph Act and agreements.)

(3.) Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General or of the Company under or by virtue of the Telegraph Act, 1868, or any agreement between the Company and the Postmaster General.

Owners may be required to sell parts only of certain lands and buildings.

13. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of the lands, buildings, or manufactories shown on the deposited plans will be sufficient for the purposes of the Company, and that such portions may be severed from the remainder of the said properties without material detriment thereto:

Therefore, notwithstanding section 92 of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands, buildings, or manufactories described in the second schedule to this Act, and whereof parts only are required for the purposes of the Company, may, if such portions can in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof, the Company paying for the portions required by them, and making compensation

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for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Extinguishment of rights of way.

14. All rights of way over or along the several roads, streets, footpaths, courts, passages, thoroughfares, or highways, or portions thereof, which shall under the provisions of this Act be stopped up and discontinued, and over any of the lands which shall under those provisions be purchased or acquired, shall be and the same are as from the stopping up, purchase, or acquisition thereof respectively by this Act extinguished.

As to vesting of site and soil of portions of roads, &c. stopped up.

15. The site and soil of the portions of roads, street, and footpaths by this Act authorised to be stopped up and discontinued, and the fee simple and inheritance thereof, shall (except where by this Act otherwise provided), if the Company are, or if and when under the powers of this Act or of any other Act relating to the Company already passed they become, the owners of the lands on both sides thereof, be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company.

Period for compulsory purchase of lands.

16. 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.

Power to grant easements, &c.

17. Persons empowered by the Lands Clauses Consolidation Acts to sell and convey or release lands, may, if they think fit, subject to the provisions of those Acts and of this Act, grant to the Company any easement, right, or privilege, required for the purposes of this Act, in, over, or affecting lands; and the provisions of the Lands Clauses Consolidation Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, rights, and privileges as aforesaid respectively.

Notice to be given of taking houses of labouring classes.

18. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses; and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Company to procure accommodation for

19. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or

part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person otherwise agree) procure sufficient accommodation elsewhere for such person: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice.

persons of the labouring classes to be displaced.

The Company may, for the purpose of providing such accommodation, appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase lands by agreement, and may on any such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands.

20. The Company from time to time may raise for the purposes of this Act, and for the general purposes of their undertaking, by the creation and issue of shares or stock, such capital as they shall think necessary, not exceeding three hundred and fifty thousand pounds, exclusive of the capital which they are or may be authorised to raise by any other Act or Acts of Parliament, and the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock, as they may think fit.

Power to Company to raise additional money by creation of shares or stock.

21. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares not to be issued until one-fifth part thereof shall have been paid up.

22. The capital created by the Company under this Act, and the shares or stock therein, and the holders thereof respectively (except any capital and shares or stock therein to which a preferential dividend is attached, and the holders of those shares and that stock respectively), shall be subject and entitled to the same powers, provisions, forfeitures, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing ordinary capital of the Company, and those shares and that stock were shares and stock in that ordinary capital.

Except as otherwise provided, new capital to be subject to same incidents as ordinary capital.

23. Every person who becomes entitled to a share or any stock created by the Company under this Act shall in respect of the same be a holder of shares or stock in the Company, and shall be entitled to a dividend, either preferential or ordinary, as the case may be, with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or stock.

Dividends on new shares or stock.

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Votes and qualifications in respect of new shares or stock.

24. The holders of the shares or stock created under this Act shall have rights of voting and qualifications in respect thereof on the principle that each sum of one hundred pounds paid up in respect of the shares or stock held by any such holder shall be deemed equivalent to one original share of one hundred pounds in the capital of the Company as prescribed by their Act of incorporation:

Provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up:

Provided also, that (unless otherwise specified in any resolution of the Company) no person shall be entitled to vote in respect of any share or stock created or issued under this Act to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Acts of past or present sessions may be of same class.

25. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act and any other Act passed in the present session of Parliament, whether before or after the passing of this Act, by which the Company may be authorised to raise capital by new shares or stock, the Company may, if they think fit, raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Receipt clause in case of persons not sui juris.

26. If any money is payable to a holder of shares or stock in the Company being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

27. The Company may, in respect of the additional capital of three hundred and fifty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage for the purposes of this Act, and for the general purposes of their undertaking, any sum not exceeding in the whole one hundred and sixteen thousand pounds; but no part of such sum of one hundred and sixteen thousand pounds shall be borrowed until shares for so much of the said sum of three hundred and fifty thousand pounds as is to be raised by means of shares are issued and accepted and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares or stock for the whole of such capital have been issued and accepted, and that one half thereof has been paid up, and that not less than

one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of such capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, or assigns, and also if the said capital is raised by shares that such persons or corporations, or their executors, administrators, or assigns, are legally liable for the same.

Upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

28. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of principal money, or principal money and interest, shall be and the same is hereby repealed, but without prejudice to any appointment which may have been made, or to the continuance of any proceedings which may have been commenced, prior to the passing of this Act under any such provision.

The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Company may create debenture stock.

29. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

30. All mortgages or bonds granted or to be granted under the authority of any former Act relating to the Company shall, during the continuance thereof, and subject to the provisions of the Act

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under which such mortgages or bonds were respectively granted, have priority over any mortgages granted by virtue of this Act; and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

31. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied only to the purposes to which by this Act they are made applicable and to the general purposes of the Company.

Power to apply corporate funds to purposes of Act.

32. The Company may apply to any of the purposes to which the moneys by this Act authorised to be raised are made applicable any of the moneys which they now have in their hands, or which they have power to raise by shares, stock, debenture stock, or mortgage by virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Interest not to be paid on calls paid up.

33. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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

34. The Company shall not, out of any moneys by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Company not exempt from provisions of present and future general Acts.

35. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised to be taken by the Company.

Expenses of Act.

36. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

AN AGREEMENT made the first day of March one thousand eight hundred and seventy-seven, between the mayor, aldermen, and burgesses of the borough of Wolverhampton of the one part, and the London and North-western Railway Company of the other part.

WHEREAS a Bill is now pending before Parliament, intituled "A Bill for "empowering the London and North-western Railway Company to make "new roads and other works, and to acquire additional lands; and for other "purposes:" And whereas the said mayor, aldermen, and burgesses of the borough of Wolverhampton (herein-after referred to as the Corporation) are the urban sanitary authority for the said borough, and have the management of all streets and roads within the same, and all the public sewers, culverts, and channels for the passage of water, sewage, and refuse within the said borough are vested in them: And whereas power is sought by the said Bill for the said London and North-western Railway Company (herein-after referred to as the Company) to execute divers works over divers streets within the said borough, and to close and appropriate a portion of a certain street therein, which said powers being considered by the Corporation prejudicial to their rights, they have accordingly petitioned against the said Bill in the Commons House of Parliament: And whereas, after divers negotiations, the Corporation have agreed with the Company for the withdrawal of the said petition upon the terms herein-after set forth: Now this agreement witnesseth, and it is hereby mutually agreed by and between the Corporation and the Company as follows:

1. The Company shall pay to the Corporation by way of compensation for the interference by the Company with the property and rights of the Corporation by the execution of the works and appropriation of the street, for which power is sought in the said Bill, the sum of ten thousand pounds, which shall be paid by the Company to the Corporation on the first day of October one thousand eight hundred and seventy-seven without any deduction.

2. In addition to the payment to the Corporation by the Company of the said sum of ten thousand pounds as aforesaid, the Company shall, if and when

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required by the Corporation, grant or cause to be granted to the Corporation the piece of land and buildings coloured yellow on the said plan, together with a right to the said Corporation to throw a bridge over the Birmingham Canal and towing-path coloured green on the said plan, for the purposes of widening to an uniform width of forty-five feet the present bridge and roadway running from the said canal bridge to the bridge of the said Company carrying their railway over the Wednesfield Road; provided that if and whenever the Company shall, pursuant to this clause, grant or cause to be granted the said lands and rights to the Corporation, the Corporation shall at their own expense, and within twelve calendar months thereof, take down the present bridge over the Birmingham Canal, and replace the same with an iron girder bridge forty-five feet in width, the under part of such girders being as near the waterway of the canal as the margin thereof will permit.

3. All proper and usual costs, both of themselves and the Corporation, incident to the said deeds of grant, and all other instruments, if any, shall be borne by the Company.

4. All and singular the agreements and provisions herein-before contained shall be binding and enforceable by either party only in case the said Bill, so far as the same relates to the powers sought thereby within the said borough, shall be passed into and become law, without any amendments whatsoever, on or before the thirty-first December one thousand eight hundred and seventy-seven, otherwise they and each and every of them shall be and become wholly null and void and of none effect: Provided always, that the Company shall not take or interfere with the street proposed to be stopped up unless and until they shall have paid the said sum of ten thousand pounds as herein-before provided.

5. The Company shall pay to the town clerk of the Corporation the sum of fifty-two pounds ten shillings in payment of his costs in reference to the negotiation between the Corporation and the Company which have eventuated in this agreement.

6. On the faith of the agreements and promises on the part of the Company herein-before contained being performed and observed, the Corporation will forthwith withdraw their said petition, and will not offer or sanction any other petition to Parliament during the present session against or in opposition to the said Bill, or against or in opposition to any clause or thing contained therein, but hereby consent to the same Bill and every provision thereof.

7. If any dispute, difference, or controversy shall arise between the Corporation and the Company touching the construction of this agreement, or any clause or thing herein contained, or touching the provisions of the said Bill if passed into law, or any matter in any way connected with the premises, then and in every such case the matter in difference shall be referred to arbitration, pursuant to and so as with regard to the mode and consequence of the reference, and in all other respects to conform to the provisions in that behalf contained in the Railway Clauses Consolidation Act, 1845, or any then subsisting

statutory modification thereof. As witness the seals of the Corporation and the Company the day and year first aforesaid. A.D. 1877.

H. Underhill,
Town Clerk.

The Seal of the Mayor, Aldermen, and Burgesses of the Borough of Wolverhampton.

Passed under the Common Seal of the above-named London and North-western Railway Company in the presence of - - - - } F. Harley, Assistant Secretary.

The Seal of the London and North-western Railway Company.

SECOND SCHEDULE.

Describing Lands, Buildings, and Manufactories of which portions only are required.

Township or parish.	Number on deposited Plans.
Aston-juxta-Birmingham - - -	1
Cannock - - - - -	1
Castlechurch - - - - -	1, 6, 6*a*, 7

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