CHAPTER xxxix.

An Act to confer Additional Powers upon the Midland Railway Company for the construction of works and the acquisition of lands for raising further capital for vesting in that Company and the Great Northern Railway Company certain powers and a portion of the Undertaking of the Eastern and Midlands Railway Company and for other purposes. [24th June 1889.] A.D. 1889.

(New railways and other works additional lands &c.)

WHEREAS it is expedient that the Midland Railway Company (in this Act called "the Company") should be empowered to construct the new railways and the widening of their existing railway and the road and to execute the other works and exercise the other powers in this Act mentioned and also to acquire additional lands for the purposes of this Act and for extending their station siding warehouse coal wharf depôt mineral goods and other accommodation and for other purposes connected with their undertaking:

(Deposit of plans.)

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

(Superfluous lands.)

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale lease or other disposal of lands acquired by them which are not or eventually may not be required for the purposes of their undertaking:

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(Dore and Chinley abandonment.)

(Eastern and Midlands vestings, &c.)

And whereas it is expedient that so much of the Company's Dore and Chinley Railway as will be rendered unnecessary by the construction of the Chinley South Curve by this Act authorised should be abandoned:

And whereas the system of railways of the Eastern and Midlands Railway Company (in this Act called "the Eastern and Midlands Company") comprises three sections amalgamated under the provisions of the Eastern and Midlands Railway Amalgamation Act 1882 which three sections are in this Act referred to as—

(1) The Eastern section which comprises the lines of railway east of Lynn worked by the Eastern and Midlands Company as an independent railway:

(2) The Midland and Eastern section which comprises the railway from Bourn to Lynn worked in perpetuity by the Great Northern Railway Company (in this Act called "the Great Northern Company") and the Company and under the management of a joint committee of those two companies constituted under the Midland and Eastern and Norwich and Spalding Railways Amalgamation Act 1867 (in this Act referred to as "the Joint Committee"):

(3) The Peterborough section which comprises the Peterborough Wisbech and Sutton Railway worked in perpetuity by the Company under the terms of an agreement scheduled to and confirmed by the Peterborough Wisbech and Sutton Railway Act 1863:

And whereas by the Eastern and Midlands Railway (Extensions) Act 1888 (in this Act referred to as "the Eastern and Midlands Act 1888") the Eastern and Midlands Company were authorised to construct railways between the Midland and Eastern section at Bourn and the Ashwell branch of the Company's railway at Cottesmore and during the progress through Parliament of the Bill for the said Act an agreement (scheduled to and confirmed by the said Act) was entered into between the Eastern and Midlands Company and the Company with respect to the construction working and maintenance of the new railways and it was by article 6 of the said agreement further provided that if the Company should within three months after the passing of the said Act give notice to the Eastern and Midlands Company of their desire to construct the said new railways and should apply to Parliament in the session of 1889 for power to transfer to and vest in themselves such power of construction the Eastern and Midlands Company should consent to such application:

And whereas by article 7 of the said agreement it was further provided that the Company should apply to Parliament in the

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session of 1889 for powers to amalgamate the undertakings of the Midland and Eastern section and the Peterborough section (in the said agreement and this Act collectively referred to as "the Western sections") upon the terms in the said agreement mentioned:

And whereas subsequently to the passing of the Eastern and Midlands Act 1888 arrangements were made for the admission of the Great Northern Company into joint ownership with the Company of the Western sections and for the transfer to the Company and the Great Northern Company of the powers for constructing the portions by this Act defined of the railways authorised by the said Act upon the terms in this Act mentioned and for the construction by the Company of the Cottesmore and Bourn deviations by this Act authorised in lieu of the Railway No. 2 authorised by the Eastern and Midlands Act 1888 and of so much of the Railway No. 1 authorised by the same Act as is defined by this Act and for the abandonment of the last-mentioned railway and portion of railway and it is expedient that effect should be given to such arrangement in the manner provided by this Act:

And whereas by the Eastern and Midlands Railway (Amalgamation) Act 1882 it is provided that the directors of the Eastern and Midlands Company after the amalgamation of the said three sections of that company's undertaking in manner provided by that Act shall consist of six persons of whom four are elected by the holders of ordinary shares in the capital of the Lynn Yarmouth and Norwich section one is elected by the holders of shares in the Midland and Eastern section and one is elected by the holders of shares in the Peterborough section. And by reason of the transfer to the Company of the two last-mentioned sections of the undertaking of the Eastern and Midlands Company under the powers of this Act it is necessary to make other provisions with regard to the future constitution of the board of directors of the Eastern and Midlands Railway Company:

(Redemption of Somerset and Dorset fixed rent.)

And whereas by the Somerset and Dorset Railway Leasing Act 1876 the railways in that Act mentioned of the Somerset and Dorset Railway Company (in this Act called "the Somerset Company") were vested by way of lease in the London and South Western Railway Company (in this Act called "the South Western Company") and the Company subject to the payment by way of rent of the sums in that Act mentioned and it is expedient that the said companies should be empowered to enter into and carry into effect agreements for the redemption as hereinafter provided of the fixed rent reserved or payable by or under the said lease:

(Application of funds by Great Northern Company.) (Capital of Company.)

And whereas it is expedient that the Great Northern Company should be empowered to apply their funds to the purposes of this Act in which they are interested:

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of the railways and other works by this Act authorised and also for the making and enlargement of stations sidings warehouses engine-sheds workshops coal wharves depôts mineral goods and other works and conveniences for the accommodation of the increased and increasing traffic on their railways and for completing the purchase of lands and buildings for any of the above-mentioned purposes and for providing additional plant and rolling stock block and interlocking signals and for the general purposes of their undertaking:

And whereas it is expedient that provision should be made for consolidating the different classes of the debenture stocks of the Company:

And whereas the objects 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:

Short title.

1. This Act may be cited for all purposes as the Midland Railway Act 1889.

Incorporation of general Acts.

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 as amended by the Lands Clauses (Umpire) Act 1883:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to the construction of a railway) Part II. (relating to extension of time) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863:

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely:

The transfer or transmission of shares:

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

The forfeiture of shares for non-payment of calls:

The remedies of creditors of the Company against the shareholders:

The borrowing of money by the Company on mortgage or bond:

The conversion of borrowed money into capital:

The consolidation of shares into stock: and

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.

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 "the railways" means the new railways by this Act authorised:

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.

Power to make new railways.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections thereof respectively the railways hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto respectively as may be required for that purpose:

The railways herein-before referred to and authorised by this Act are—

(1) A railway (to be called "the Linacre Branch") three furlongs seven chains and fifty links in length situate wholly in the township of Bootle-cum-Linacre in the parish of Walton-on-the-Hill in the county of Lancaster commencing by a junction with the Company's Bootle goods branch and terminating one and a half chains or thereabouts west of a point on the towing path of the Leeds and Liverpool canal ten chains or thereabouts measured in a southerly direction from Linacre Lane Bridge:

(2) A railway (to be called "the Blackwell Branch Extension") two miles seven furlongs three chains and six links in length situate wholly in the county of Nottingham commencing in the township of Hucknall-under-Huthwaite in the parish of Sutton-in-Ashfield by a junction with the Company's Blackwell Branch

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Railway at its termination and terminating in the parish and township of Sutton-in-Ashfield by a junction with the Company's Nottingham and Mansfield Railway:

(3) A railway (to be called "the Saxby Curve") one mile and two furlongs in length situate wholly in the county of Leicester commencing in the township of Freeby in the parish of Melton Mowbray by a junction with the Company's Syston and Peterborough Railway and terminating in the parish of Wymondham by a junction with the same railway:

And the Company may abandon and discontinue the use of so much of their said Syston and Peterborough Railway as lies between the commencement and termination of the said Saxby curve and shall sell or dispose of the site thereof as superfluous lands within ten years from the completion and opening for traffic of the Saxby curve:

(4) Two railways (to be called "the Cottesmore and Bourn Deviations"):

No. 1. Fourteen miles four furlongs and eight chains in length commencing in the parish of Saxby in the county of Leicester by a junction with the Saxby curve and terminating in the parish of Witham otherwise Wytham-on-the-Hill in the parts of Kesteven in the county of Lincoln by a junction with the Railway No. 1 authorised by the Eastern and Midlands Act 1888:

No. 2. Two furlongs and one chain in length situate wholly in the parish of Little Bytham in the said parts of Kesteven commencing by a junction with the main line of the Great Northern Railway and terminating by a junction with the Cottesmore and Bourn Deviation No. 1:

(5) A railway (to be called "the Chinley South Curve") three furlongs and one chain in length situate wholly in the county of Derby commencing in the township of Chinley Bugsworth and Brownside in the parish of Glossop by a junction with the Company's Dore and Chinley Railway now in course of construction and terminating in the parish of Chapel-en-le-Frith by a junction with the Company's Ambergate and Manchester Railway:

(6) Two railways (to be called "the Bow Branches"):

No. 1 six chains in length situate wholly in the parish of West Ham in the county of Essex commencing by a junction with the Great Eastern Railway from Stratford to London at or near the bridge carrying the Great Eastern

Railway over the stream known as Pudding Mill River and terminating on the northern embankment of that railway:

No. 2 one furlong nine chains and twenty links in length commencing in the said parish of West Ham by a junction with the Bow Branch Railway No. 1 and terminating in the parish of Saint Mary Stratford-le-Bow in the county of Middlesex in land belonging to and in the occupation of the East London Waterworks Company.

Tolls.

5. The railways shall for the purposes of tolls and charges and for all other purposes whatsoever be part of the railway of the Company as if the same had been part of the Midland Railway vested in the Company by the Act (local and personal) 7 and 8 Vict. chapter xviii. entitled "An Act to consolidate the North Midland "Midland Counties and Birmingham and Derby Junction Railways" and had formed part of the line of the Midland Railway at the time of the passing of the Act (local and personal) 9 and 10 Vict. chapter cccxxvi. entitled "An Act to consolidate the Bristol and "Gloucester and Birmingham and Gloucester Railway Companies "with the Midland Railway Company."

Inclinations of certain roads.

6. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):

Number on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
	COTTESMORE AND BOURN DEVIATION No. 1.		
97	Castle Bytham -	Public Road - -	1 in 18
	CHINLEY SOUTH CURVE.		
5	Glossop - -	Public Road - -	1 in 14

Power to divert roads as shown on deposited plans.

7. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so

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much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):

Railway.	Parish.	Number of Road on Plan.
Blackwell Branch Extension -	Sutton-in-Ashfield - -	122
Cottesmore and Bourn Deviation	South Witham -	32
Ditto	North Witham - -	20
Ditto	Castle Bytham - -	97

and when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

Provision for bridges on Linacre branch.

8. In constructing the Linacre branch the Company shall provide and maintain (1) An overbridge at thirteen chains in the line of the bridge carrying Fernhill Road over the Company's Bootle branch such bridge to be forty-five feet wide between the parapets and to be so constructed that the finished surface of the roadway on the top thereof shall not be more than seventy-five feet six inches above Ordnance datum and that the approaches thereto shall not be steeper than one in seventy-seven on the south and one in sixty-two on the north sides thereof respectively with a proper culvert thereunder (2) An underbridge at twenty-nine chains in the line of the bridge carrying the Company's Bootle branch over Hawthorne Road North such bridge to be constructed for two lines of rails only and with a span of sixty feet and a clear headway of not less than sixteen feet and the lowest portion of the girders of such bridge shall not be less than seventy-three feet above Ordnance datum:

The Company shall before commencing the construction of such bridges submit the drawings thereof to the Earl of Derby and to the mayor aldermen and burgesses of the borough of Bootle-cum-Linacre and such drawings shall be subject to the reasonable approval of the said Earl and corporation respectively:

Provided that nothing in this section contained shall impose or be construed to impose any obligation or restriction upon the said Earl of Derby as the owner of the lands adjacent to the said bridges with respect to the construction of roads thereon.

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Provisions for the Leeds and Liverpool Canal Company.

9. For the protection of the Company of proprietors of the canal navigation from Leeds to Liverpool (in this section called "the "Leeds and Liverpool Canal Company") the following provisions shall have effect (to wit):

(A) The Linacre Branch Railway shall be carried across the canal and towing-path works and lands of the Leeds and Liverpool Canal Company in the line and at the point of crossing shown on the deposited plans and (unless with the consent of the Leeds and Liverpool Canal Company under their common seal) not elsewhere:

(B) In carrying the railway across the canal towing-path works and lands of the Leeds and Liverpool Canal Company the Company shall not otherwise than by agreement with the Leeds and Liverpool Canal Company deviate from the line of the railway as shown on the deposited plans or from the levels or mode of construction shown on the deposited sections save and except that the bridge shall extend with one opening or span over the whole of the said canal towing-path works and lands and none of the piers thereof shall be erected or stand upon the property of the Leeds and Liverpool Canal Company and such bridge shall be constructed in all respects in accordance with the provisions herein-after contained:

(C) The Company shall not otherwise than by agreement purchase or take any land of the Leeds and Liverpool Canal Company but the Company may purchase and take and the Leeds and Liverpool Canal Company may and shall sell and grant accordingly an easement or right of using the land required for the construction of the railway (with not more than two lines of rail) in the line shown on the deposited plans:

(D) Nothing herein contained shall prevent the Company from entering upon the lands and works of the Leeds and Liverpool Canal Company when and for such periods as may be necessary for the fulfilment of the Company's obligations under this section:

(E) The railway shall be carried over the canal and towing path of the Leeds and Liverpool Canal Company and any approaches thereto by means of a good and substantial bridge of brick stone wood or iron to be constructed by the Company at their own expense:

(F) The bridge shall be constructed with perpendicular foundation walls carried down to a depth of not less than nine feet below the top water level of the canal and with only one opening or span over the entire width of the canal and towing path and the clear height of the underside of the arch or (as the case

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may be) beams or girders of the bridge above the top water level of the canal shall throughout the whole breadth of the span be not less than eleven feet:

(G) The space between the piers of the bridge (except so much thereof as the towing path will occupy) shall at all times after the completion of the bridge (except during necessary repairs or reconstruction) be left and preserved an open and uninterrupted navigable waterway:

(H) The Company shall at their own expense maintain the bridge and the works thereof of the height and width and so constructed as aforesaid and in perfect repair at all times:

(I) If and whenever the height of the bridge or works shall by subsidence of the ground be lowered below the height hereinbefore prescribed the Company shall at their own expense restore the same to that height as soon as reasonably may be:

(K) The Company shall make good all damage that may be occasioned to the works or property of the Leeds and Liverpool Canal Company by the construction renewal or want of repair of any of the Company's works or by any such subsidence as aforesaid; but

(1) In every case of pressing necessity; and

(2) In every other case if for seven days after notice in writing thereof given to the Company by the Leeds and Liverpool Canal Company the Company neglect to proceed with due diligence to make good such damage;

the Leeds and Liverpool Canal Company may if they think fit make good the damage and the amount expended by them in so doing shall be repaid to them by the Company:

(L) If and whenever by any act or omission of the Company any part of the canal or towing path shall be obstructed or rendered dangerous to boats barges or other vessels navigating or using the canal the Company shall pay to the Leeds and Liverpool Canal Company as or by way of ascertained damages the sum of two hundred pounds for every day during which the obstruction or danger shall continue and so in proportion for any less time than a day:

(M) Provided that nothing in this Act contained shall prevent the Leeds and Liverpool Canal Company or any owner of boats or barges from recovering from the Company (in addition to the ascertained damages herein-before mentioned) any special damage that may be sustained by the Leeds and Liverpool Canal Company or such owner in consequence of the stoppage or hindrance to the traffic upon the canal or in consequence of the works to be executed by the Company or

by the Leeds and Liverpool Canal Company for the Company under the provisions herein-before contained or by reason of any such subsidence as aforesaid or on account of any other act or omission of the Company:

(N) If and whenever any damages or other sums payable by the Company to the Leeds and Liverpool Canal Company or any such owner as aforesaid are not paid on demand made on the secretary or clerk of the Company the same may together with costs of suit be recovered against the Company in any court of competent jurisdiction:

(O) All questions and differences which may at any time arise between the Company and the Leeds and Liverpool Canal Company as to the construction or effect of sub-sections A B C D E or F of this section or the performance observance non-performance or non-observance of any of the provisions thereof or any matters connected therewith or consequent thereon shall be determined by an arbitrator to be appointed by the Company and the Leeds and Liverpool Canal Company or (if for fourteen days after the question or difference arises those two Companies do not agree upon an arbitrator) by the Board of Trade upon the application in writing of both or either of those Companies and the decision of every such arbitrator (by whomsoever appointed) shall be binding and conclusive upon both the parties in difference and the costs of the arbitration shall be in his discretion:

(P) Except as is by this Act otherwise expressly provided nothing in this Act contained shall take away lessen prejudice alter or affect any of the rights privileges property powers or authorities of the Leeds and Liverpool Canal Company.

For protection of the Manchester Sheffield and Lincolnshire Railway Company.

10. In constructing and maintaining the works authorised by this Act where they will cross the Peak Forest Tramway of the Manchester Sheffield and Lincolnshire Railway Company (hereinafter called "the Sheffield Company") the Company shall be subject to the following conditions (videlicet):

(1) All works crossing or affecting the tramway of the Sheffield Company shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the principal engineer of the Sheffield Company and according to plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:

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(2) The bridge carrying the Chinley south curve over the tramway of the Sheffield Company shall be constructed with a clear span of twenty-six feet measured square to the tramway and with a clear headway of fifteen feet:

(3) The works shall be constructed and maintained so that the traffic upon the said tramway shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the Sheffield Company and in all things at the expense of the Company:

(4) If by reason of the construction or maintenance of the works or any of them or the failure of any of the works or of the maintenance thereof or otherwise the said tramway or the works connected therewith shall be injured or the traffic thereon impeded the Company shall compensate the Sheffield Company for all costs to which that Company may be put in repairing the said damage and shall also pay by way of liquidated damages to the Sheffield Company fifty pounds for every day during which such traffic shall be impeded:

(5) The Company shall also indemnify the Sheffield Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on the said tramway or by reason of any accident on the said tramway which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors or their respective servants or workmen:

(6) The Company shall not acquire any estate or interest in the lands and property of the Sheffield Company other than an easement or right of constructing or maintaining therein the works by this Act authorised:

(7) The amounts to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

For protection of works of Havering Dagenham &c. commissioners of sewers and corporation of West Ham.

11. The following provisions shall have effect for the protection of the commissioners of sewers for the levels of Havering Dagenham Ripple Barking East Ham West Ham Leyton and Walthamstow in the respective counties of Essex Middlesex and Kent until their jurisdiction in the parish of West Ham is transferred to the corporation of West Ham under the West Ham Corporation Improvements Act 1888 and thereafter for the protection of the corporation of West Ham (in this section referred to as "the corporation" which expression in this section shall mean and include the said commissioners until their jurisdiction is transferred

as aforesaid) Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any river sewer drain watercourse river wall defence or work under the jurisdiction or control of the corporation or may in any way affect the drainage of the districts under their control the Company shall not commence such works until they shall have given to the corporation fourteen days' notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the said commissioners or the town clerk of the corporation as the case may be with plans elevations sections and other necessary particulars of the construction of the said works and until the corporation shall have signified their approval of the same unless the corporation fail to signify such approval or their disapproval or other directions within fourteen days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the corporation in the execution and subsequent maintenance of the said works and shall provide by new altered or substituted works in such manner as the corporation may deem necessary for the proper protection of and for preventing injury or impediment to the rivers sewers drains river walls and other works herein-before referred to by or by reason of the said intended works or any part thereof and shall save harmless the corporation against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the surveyor engineer or other officer or officers of the corporation as the case may be at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the corporation may be put to by reason of the works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise by the officers of the corporation shall be paid to the corporation by the Company on demand and when any new altered or substituted work as aforesaid or any works or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall ever thereafter be maintained by the Company to the reasonable satisfaction of the surveyor or engineer to the corporation for the time being and the said works shall be as fully and completely under the direction jurisdiction and control of the corporation as any sewers or works now are or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the corporation or any or either

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of them but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed Provided that if any dispute shall arise as to the mode of executing any such works as aforesaid such matter or difference shall be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

For protection of Lee Conservancy Board.

12. For the protection of the Lee Conservancy Board (hereinafter called "the Lee Board"):

(1) In carrying the Bow Branch Railway No. 2 and the works connected therewith across the River Lee navigation below Old Ford Lock the Company shall at their own expense construct and for ever thereafter maintain and keep in good and sufficient repair a good and substantial girder bridge across the said river and towing path of one span or opening of not less than seventy feet in the clear with the soffit or underside in no place less than eleven feet above the fixed head level of the said river and shall for ever thereafter maintain and keep in good repair the towing path wall under the said bridge and for a distance of one hundred feet on each side of the same and shall also make and at all times for ever thereafter maintain a similar retaining wall and of the same height on the opposite side of the river under the said bridge and for a distance of one hundred feet on each side of the same:

(2) Within six months after the completion of the said bridge the Company shall take down and remove the existing iron foot bridge which now crosses the river near thereto:

(3) The construction of the new bridge and all future repairs of the same and the making and maintaining of the towing path wall and retaining wall shall be done and performed according to plans and specifications to be previously submitted to and approved by the Lee board and shall be commenced carried on and completed under the superintendence and to the reasonable satisfaction of their engineer whose reasonable charges shall be paid by the Company and the Company shall at all times during the construction of the said bridge and other works and any future repairs thereof leave for the free and uninterrupted passage of boats barges and other vessels along the said navigation an open and uninterrupted navigable waterway of the width of forty feet at the least and an uninterrupted horseway along the said towing path of the width of eight feet at the least both waterway and horseway having a clear height or headway of at least ten feet above the standard level of the water and in case during the progress of any such works

damage shall be occasioned to the said navigation or towing path or to any boat or other vessel navigating the said river or to any works of the navigation or to the said bridge or any works connected therewith the Company shall make compensation for any such damage done and also under such superintendence and to such reasonable satisfaction as aforesaid restore the same to as good and efficient a state and condition as the same were in prior to the occasioning of any such damage Provided always that if the Lee board shall for the space of twenty-one days after submission to them of such plans together with a request in writing to approve the same neglect or refuse to approve thereof or of any part thereof then and in such case the plans so submitted shall be referred to and approved by an engineer to be appointed by the Board of Trade upon the application of either party and the decision of such engineer shall be final and conclusive between the parties.

Provisions as to exercise by Company of powers under London and Blackwall Railway (Lease) Act 1865 with reference to traffic over Bow branches.

13. The exercise by the Company of the powers conferred on them by section 20 of the London and Blackwall Railway (Lease) Act 1865 or by the agreement mentioned in that section for the purpose of traffic intended to pass over the Bow branches by this Act authorised shall be subject to the following conditions (that is to say):

(1) The powers of running over and using or carrying any traffic by the Company over the railways of the Great Eastern Railway Company (herein-after called the Great Eastern Company) shall at all times and in all respects be exercised subject to the regulations control and management of the Great Eastern Company who shall also be entitled to regulate the number and times of passage of the trains of the Company so as to prevent interference with the traffic of the Great Eastern Company:

(2) The running of the trains by the Company shall except with the consent in writing of the Great Eastern Company be limited to the six hours between twelve midnight and six a.m. except that the Company for the more expeditious working of their more important goods traffic may run one train into the Bow branches between six and a quarter to eight in the morning and one train out from the Bow branches between six and half-past seven in the evening:

(3) If at any time after the expiration of three years from the opening for traffic of the Bow branches as authorised by this Act the Company shall having regard to the traffic carried by the Great Eastern Company to and from their Bow Road Station in competition with the Company require an alteration

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in the time during which by the preceding sub-section the running of the Company's trains into and out of the Bow branches is restricted the Company shall be at liberty to refer the determination of such alteration to the arbitration of one of the general managers for the time being of one of the Northern Railway Companies to be agreed upon by the Company and the Great Eastern Company Provided however that any such arbitrator shall be bound to take into consideration the exigencies of the traffic carried by the Great Eastern Company and to give the trains of the Great Eastern Company reasonable priority having regard to the traffic conveyed over those of the Company.

Provision as to future widening of Great Eastern Railway.

14. If at any time within five years after the passing of this Act the Great Eastern Company require to widen their line with which the junction authorised by this Act is formed the Company shall sell to the Great Eastern Company a strip of land parallel to their existing railway of sufficient width to allow of the laying of two additional lines of railway at the price paid by the Company for such lands together with interest thereon at the rate of five per centum per annum.

For protection of the Great Eastern Railway Company.

15. In constructing and maintaining the Bow branches authorised by this Act where the same will form a junction with and otherwise affect the railways and works of the Great Eastern Company the Company shall be subject to the following provisions and conditions for the protection of the Great Eastern Company in addition to the sections contained in the Railways Clauses Act 1863 (that is to say):

(1) The junction of the Bow Branch Railway No. 1 by this Act authorised with the Great Eastern Railway shall be formed within the limits of deviation shown upon the deposited plans and effected in a substantial manner in accordance with plans to be previously submitted by the Company and approved by the engineer of the Great Eastern Company and shall be executed to his satisfaction in all respects and in the first instance the railways authorised shall be laid in at such a distance from the lines of the Great Eastern Company as to provide for and admit of the widening of the Great Eastern Railway by the laying down of two additional lines of railway on the side next to the proposed railways:

(2) The Great Eastern Company may at any time or times hereafter at the expense of the Company alter or remove the junction and works in connexion therewith by this Act authorised with the Great Eastern Railway so as to allow of two additional lines of railway being laid down by the Great

Eastern Company and substitute therefor a new junction either with the existing lines of that railway or (at the option of the Great Eastern Company) with the two additional lines which they intend to lay down by the side of such existing lines or (at the option of the Great Eastern Company) with both the said existing and additional lines Provided that no such alteration or removal shall interfere with the Company's access to the Bow branches for through traffic:

(3) The Great Eastern Company at or near the junction or substituted or altered junction between the said Bow branches and the Great Eastern Railway may from time to time erect maintain and alter such signals and other works and conveniences and appoint and remove a sufficient number of watchmen pointsmen and other servants as may be necessary for their protection against damage to or detention of or interference with the traffic at or near or by reason of the said junction or substituted or altered junction and the working and management of such signals works and conveniences and the control and direction of such watchmen pointsmen and other servants shall belong exclusively to the Great Eastern Company and all the costs and expenses during each half year of erecting maintaining and altering such signals works and conveniences and of employing and paying such watchmen pointsmen and other servants shall at the expiration of each half-year ending the thirtieth day of June and the thirty-first day of December be repaid to the Great Eastern Company on demand and in default the amount of such costs and expenses may be recovered by the Great Eastern Company from the Company in any court of competent jurisdiction:

(4) The Company shall at all times maintain the junction or substituted or altered junction and other works in any way affecting the railways and works of the Great Eastern Company and the works necessary and incidental thereto in substantial repair and good order and condition under the superintendence of and to the reasonable satisfaction in all respects of the engineer of the Great Eastern Company and if and whenever the Company fail so to do that Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as the Great Eastern Company may reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by that Company from the Company in any court of competent jurisdiction:

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(5) During the construction of the railways and works by this Act authorised affecting the Great Eastern Railway the Company shall bear and on demand pay to that Company all expense of employment by them of a reasonably sufficient number of inspectors signalmen and watchmen to be appointed by that Company for watching their railways and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise:

(6) Any junction and works by this Act authorised with or in any way affecting the Great Eastern Railway shall be constructed and maintained so that the traffic upon the railway shall not be in anywise impeded or interfered with:

(7) If by reason of the construction or maintenance of the railways and works by this Act authorised or any of them or the failure of any of the works or of the maintenance thereof or otherwise the Great Eastern Railway shall be injured or damaged or the traffic thereon impeded the Company shall compensate the Great Eastern Company for all costs damages and expenses to which that Company may be put thereby:

(8) The Company shall indemnify the Great Eastern Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on the Great Eastern Railway or by reason of any accident thereon which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors or their respective servants or workmen:

(9) The Company shall not acquire any estate or interest in the lands and property of the Great Eastern Company other than an easement or right of constructing or maintaining thereon the works by this Act authorised:

(10) The amounts to be paid for the acquisition of such easement shall in case of dispute be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement:

(11) Nothing in this Act contained shall extend to diminish prejudice alter or take away any of the rights privileges or powers of the Great Eastern Company otherwise than as is herein expressly provided.

Period for completion of railways.

16. If the railways are not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Imposing penalty unless railways opened.

17. If the Company fail within the period limited by this Act to complete the railways or any or either of them they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted railway or railways other than the Linacre branch the Blackwell branch extension and the Bow branches is or are completed and opened for the public conveyance of passengers or until the last-mentioned railways or such of them as is or are uncompleted is or are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted railway or railways:

The said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854:

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided:

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railway or railways by unforeseen accident or circumstances beyond their control Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty in respect of new railway.

18. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or railways in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory

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powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit:

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Power to widen railway.

19. Subject to the provisions of this Act the Company may in the lines and according to the levels shown upon the deposited plans and sections relating thereto widen the portion of their railway in the parish of Saint Pancras in the county of Middlesex commencing at a point on the passenger lines of the Company's railway from London to Bedford five and a half chains or thereabouts measured in a northerly direction from the bridge carrying the said railway over the Saint Pancras Road and terminating at or near the bridge carrying the said railway over the Regent's Canal and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto as may be required for that purpose:

Provided always that the Company shall not use any portion of the site of the Old Saint Pancras burial ground except for lines of railway to be constructed thereon upon embankment and no excavation shall be made below the present surface thereof and no buildings shall at any time be erected thereon:

The widening shall for the purposes of tolls rates and charges and for all other purposes whatsoever be part of the railway of the Company.

Provisions as to acquisition of Saint Pancras burial ground.

20. Before taking any part of the disused burial ground in the parish of Saint Pancras numbered 2 and 2A respectively on the deposited plan of the Saint Pancras widening the Company shall

purchase and acquire the lands coloured blue and green and edged blue respectively on the plan signed by James Cochran Stevenson the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and shall transfer and vest the same to and in the vestry of the parish of Saint Pancras and such lands shall at all times thereafter be held and applied by the said vestry as an open space subject to the provisions of section 7 of the Saint Pancras and Saint Giles-in-the-Fields Disused Burial Grounds Act 1875 and the Company shall also pay the cost of laying out the same and they shall in addition pay to the London County Council the sum of twelve thousand pounds which shall be held by the said Council and applied by them in acquiring and laying out other land in the parish of Saint Pancras as a recreation ground or open space or in the enlargement or improvement of existing open spaces.

Works over Cambridge Street.

21. (1) In constructing the bridge or works under the powers of this Act over Cambridge Street in the parish of Saint Pancras the Company shall leave a clear headway throughout of not less than that under the existing adjoining bridges and a clear space throughout measured on the square not less than forty feet and such bridge and works shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent the dripping of water therefrom on any part of the street or footway and so as to deaden so far as is practicable the sound of engines carriages and traffic passing over them and spaces of four feet in width for the whole width of the roadway shall be left to secure light and ventilation between the bridges now carrying the Midland Railway over the said street and any bridge or works constructed over the said street under the powers of this Act:

(2) The Company shall not execute or commence the erection of any such bridge or works until they shall have given to the London County Council twenty-one days' notice in writing of their intention to commence the same by leaving such notice at the office of the said Council with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until the said Council shall have signified their approval of the same unless that Council fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the said Council in the execution and subsequent maintenance of such bridge and the works connected therewith and shall save harmless the said Council against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satis-

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faction of the engineer or other officer of the said Council at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said Council may be put to by reason of the works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the said Council by the Company on demand.

Protection of Northern Outfall Sewer.

22. If the Company purchase and acquire under the powers of this Act any of the lands shown on the deposited plans relating to the Bow branches as abutting on the northern outfall sewer of the London County Council the said Council shall have the right at any time within two years after the passing of this Act to purchase a width of twenty feet of the land from the Pudding Mill River to the River Lee adjoining the said sewer at a price which shall be pro rata to the price paid by the Company for the purchase of the whole of the open space between the said rivers north of the railway and to use the same at any time thereafter for the purpose of extending or enlarging the said sewer and for the execution of any works connected therewith Provided that in any such extension or enlargement of the said sewer an opening shall be left thereunder in continuation of the existing opening.

For protection of sewers in the Metropolis.

23. Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work under the jurisdiction or control of the London County Council or of the board of works for the Poplar District or of the vestry of the Parish of Saint Pancras constituted under the Metropolis Management Act 1855 or with any sewers or works to be made or executed by the said Council board of works or vestry or shall or may in any way affect the sewerage or drainage of the districts under any of their control the Company shall not commence such works until they shall have given to the London County Council to the said board of works or to the said vestry as the case may be twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the Council board of works or vestry as the case may be for the time being with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the Council board of works or vestry respectively shall have signified their approval of the same unless the Council board of works or vestry as the case may be do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regula-

tions of the said Council board of works or vestry as the case may be in the execution of the said works and shall provide by new altered or substituted works in such manner as the said Council board of works or vestry shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said Council board of works and vestry respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said Council board of works or vestry as the case may be at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the said Council board of works or vestry may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the Council board of works or vestry by the Company on demand and when any new altered or substituted works as aforesaid or any work or defence connected therewith shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the said Council board of works or vestry as the case may be respectively as any sewers or works now or hereafter may be And nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the said Council board of works or vestry or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

Power to acquire lands for general purposes.

24. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate to the purposes of extending their stations sidings warehouses engine sheds workshops coal wharves depôts mineral goods and other works and conveniences for the accommodation of their traffic and for providing accommodation for persons belonging to the labouring classes who may be displaced under the powers of this Act and for other purposes connected with their undertaking all or any of the lands houses and buildings following delineated on the deposited plans thereof and described in the deposited books of reference relating thereto and may in connexion with such use and appropriation execute the works and exercise the powers hereinafter mentioned (that is to say):

In the parish of Lancaster in the county of Lancaster certain lands lying on the southern side of and adjoining the Company's

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railway from Lancaster to Skipton and between Caton Station and Artle Beck and also certain lands lying between and adjoining the northern side of the said railway and the Mill Reservoir and also certain lands lying on the south-east side of and adjoining the said railway near the Lunesdale Brick and Tile Works with power to the Company to stop up and discontinue the two level crossings over the said railway at and near the western end of Caton Station and to make a new road along the northern side of the railway from the level crossing at the western end of the station to the level crossing at the eastern end of the station:

In the township and parish of Keighley in the West Riding of the county of York certain lands lying on the south side of and adjoining the Company's railway from Leeds to Skipton and near the level crossing by that railway of Thwaites Lane:

In the parish of Osmaston and in the township of Alvaston and parish of Saint Michael Derby in the county of Derby certain lands at and near Osmaston Hall and lying on the north-east side of and adjoining the Osmaston Road and between that road and the London Road and the Derby Canal and also certain lands lying on the south-west side of and adjoining the Osmaston Road:

In the parish of Saint Margaret Leicester in the county of Leicester certain lands lying on both sides of and adjoining the Company's main line of railway on the south-west side of London Road and between Waterloo Street New Walk and Nelson Street including the site of Regent Street and also certain lands on both sides of the said railway on the north-east side of London Road and between Conduit Street and Station Street and the Company may stop up and discontinue and extinguish all rights of way over Regent Street:

In the parish of Saint Margaret Leicester in the county of Leicester certain lands lying on the east side of and adjoining Sussex Street between Bell Lane and Kent Street including the site of Walter Street and the Company may stop up and discontinue and extinguish all rights of way over Walter Street.

Provisions as to repair of road &c.

25. Subject to the provisions of this Act the road at Caton Station to be made under the authority of this Act shall when made and completed be from time to time repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads within the parish in which such road 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 the road such question shall from time to time be determined by two justices on 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 road shall be conclusive evidence of the fact so certified.

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

26. The site and soil of Regent Street and Walter Street Leicester and of the level crossings at Caton Station by this Act authorised to be stopped up and discontinued and the fee-simple and inheritance thereof (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 shall be from the time of the stopping-up thereof respectively subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway wholly and absolutely vested in the Company for the purposes of their undertaking.

Extinguishment of rights of way &c.

27. Subject to the provisions of this Act all rights of way over and along the portions of highways which may under the provisions of this Act be stopped up and discontinued and over and along any of the lands which may under those provisions be acquired by compulsion shall be and the same are as from the stopping-up or discontinuance of the said portions of highways or the purchase or acquisition of the said lands hereby extinguished:

The Company shall not stop up any existing road or street until they shall have completed to the satisfaction of two justices and opened to the public the road or street if any to be substituted therefor.

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

28. And whereas in the exercise of the powers of this Act it may happen that portions only of certain 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 ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to

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sell and convey to the Company the portions only of the properties 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 for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise:

Provided always that if in the opinion of the jury arbitrators or other authority as aforesaid any such portions cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice.

Period for compulsory purchase of lands.

29. The powers granted by this Act to the Company for the compulsory purchase of lands houses and buildings shall cease after the expiration of three years from the passing of this Act.

Power to grant easements, &c. by agreement.

30. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting lands and the provisions of the said 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.

Restriction on displacing persons of labouring class.

31 (1.) The Company shall not under the powers of this Act purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or beyond the metropolis in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of

State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case: and

(B) They shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

(2) The approval of the said Secretary of State or the Local Government Board (as the case may be) to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State or the Local Government Board (as the case may be) have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the said Secretary of State or the Local Government Board (as the case may be) out of the High Court of Justice.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State or the Local Government Board (as the case may be) by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

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(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands outside the metropolis by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the said Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this subsection subject to such conditions if any as they may see fit.

(8) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act or Acts amending those respective Acts.

(9) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(10) The said Secretary of State may direct any inquiries to be held which he may deem necessary in relation to any scheme under

this section and may appoint inspectors for the purposes of any such inquiry and the inspectors so appointed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(11) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(12) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(13) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(14) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Company to abandon portion of authorised Dore and Chinley Railway.

32. The Company shall abandon the construction of so much of the Dore and Chinley Railway as will be rendered unnecessary by the construction of the Chinley south curve.

Compensation for damage to land by entry &c. for purposes of portion of Dore and Chinley Railway abandoned.

33. The abandonment by the Company under the authority of this Act of the said portion of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of

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the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Dore and Chinley Railway Act 1884.

Compensation for non-completion of contracts in respect of portion of Dore and Chinley Railway abandoned.

34. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the portion of railway by this Act authorised to be abandoned the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to such contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extending time for sale of certain superfluous lands.

35. The Company may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated retain and hold any lands belonging to them which have not yet been applied to the purposes of the Company or sold or disposed of by them in the parishes enumerated in the Second Schedule to this Act for the periods following (that is to say) as regards such of the said lands as are situate near to or adjoining any railway or station of the Company or as the Company may be of opinion that they may require for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act:

But the Company shall at the expiration of such respective periods of ten years and two years sell and dispose of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking as superfluous lands.

Transfer of certain powers of Eastern and Midlands Company

36. On the passing of this Act all the powers rights privileges and authorities which by the Eastern and Midlands Act 1888 are conferred upon the Eastern and Midlands Company for or in respect of the construction and maintenance of the railways by

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that Act authorised except the portions thereof by this Act authorised to be abandoned are subject to the contracts obligations debts and liabilities of that company in relation thereto by this Act transferred to and vested in the Company and the Great Northern Company (in this Act called "the two companies") jointly and for their joint benefit and the two companies or either of them with the consent of the other may in their own names and under their own seals or under the hands of their directors secretary officers and servants exercise and enjoy all those rights powers privileges and authorities (except only the powers of raising money which powers are by this Act repealed) as fully and effectually in all respects as the Eastern and Midlands Company might have exercised and enjoyed the same if this section of this Act had not been passed.

to Company and Great Northern Company.

37. All the provisions of the Eastern and Midlands Act 1888 relating to the railways by that Act authorised except those relating to the share and loan capital of the Eastern and Midlands Company shall (so far as applicable and subject to the provisions of this Act) have effect as if the two companies had been named throughout the same instead of the Eastern and Midlands Company and the undertaking authorised by the said Act shall subject as aforesaid be executed worked and managed by the joint committee as part of the Midland and Eastern section.

Railways of Eastern and Midlands Company to become after transfer part of joint undertaking of two Companies.

38. If the two companies fail within the period limited by the Eastern and Midlands Act 1888 to complete so much of the railways by that Act authorised as are not authorised to be abandoned by this Act (in this Act referred to as the joint railways) the two companies shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue

Penalty imposed unless the joint railways are opened within the time limited.

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in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the two companies were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty in respect of joint railways.

39. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the joint railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Eastern and Midlands Company by the Eastern and Midlands Act 1888 and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the two companies or either of them is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of such company or be otherwise applied as part of the assets of such company for the benefit of the creditors thereof.

Release of deposit in respect of joint railways.

40. In consideration of the liability of the two companies to the penalties by this Act provided sections 10 and 11 of the Eastern and Midlands Act 1888 (relative to the deposit) are hereby repealed and the High Court of Justice in England shall at any time after the passing of this Act but without requiring the production of a certificate of the passing of the said Acts or either of them order (according to the provisions of the Act of the session of the ninth and tenth years of Her Majesty's reign chapter twenty) the payment

or transfer to the respective depositors of the sum of ten thousand seven hundred and eleven pounds two shillings and one penny new consols now in court in respect of the joint railways and any interest or dividend payable thereon and such sum shall not be deemed to be transferred to the two companies by this Act.

Abandonment of portion of railways authorised by Eastern and Midlands Act 1888.

41. The powers conferred by the Eastern and Midlands Act 1888 so far as relates to the construction of the Railway No. 2 authorised by that Act and so much of the Railway No. 1 authorised by the same Act as lies between its authorised termination at Cottesmore and the termination of the Cottesmore and Bourn Deviation No. 1 by this Act authorised are hereby repealed and the construction of the said railway and portion of railway shall be abandoned.

Compensation for damage to land by entry &c. for purposes of portion of Eastern and Midlands Railway abandoned.

42. The abandonment under the authority of this Act of the said railway and portion of railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Eastern and Midlands Company or of the two companies or either of them on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Eastern and Midlands Company or the two companies or either of them to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Eastern and Midlands Act 1888.

Compensation for non-completion of contracts in respect of portion of Eastern and Midlands Railway abandoned.

43. Where before the passing of this Act any contract has been entered into or notice given by the Eastern and Midlands Company or by the two companies or either of them for the purchasing of any land for the purposes of or in relation to the said railway and portion of railway by this Act authorised to be abandoned the respective company or companies shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Eastern and Midlands Company or by the two companies or one of them to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to such contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining

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the amount and application of compensation paid for lands taken under the provisions thereof.

Provision for admission of Great Northern Company to Cottesmore and Bourn deviation lines.

44. The exercise by the Company of the powers by this Act granted for the construction of the Cottesmore and Bourn deviations shall be subject to the following conditions (viz.):

(1) If the Great Northern Company and the Company shall before the passing of this Act so agree or if the Great Northern Company shall by notice to the Company to be given within one month after the passing of this Act so require all the powers rights privileges and authorities of the Company relating to the construction of so much of the Cottesmore and Bourn Deviation No. 1 herein-before described as lies between a point in the parish of Little Bytham marked twelve miles and seventy-two chains on the deposited plans and the termination thereof shall be exercised by the Great Northern Company and the Company jointly in the same manner in all respects as is herein-before provided with respect to the exercise of such of the powers rights privileges and authorities relating to the Cottesmore and Bourn Railway as are transferred to and vested in those companies under the provisions of this Act:

(2) If the Great Northern Company and the Company shall so agree before the passing of this Act or if the Great Northern Company shall by notice to the Company to be given within one month after the passing of this Act so require all the powers rights privileges and authorities of the Company relating to the construction and use of the Cottesmore and Bourn Deviation No. 2 shall be exercised by the Great Northern Company alone and in that case the said Cottesmore and Bourn Deviation No. 2 shall for all purposes become part of the system of the Great Northern Company.

Vesting of Western sections in the two companies.

45. As from the first day of January one thousand eight hundred and eighty-nine (which date is in this Act referred to as the date of vesting) the Western sections are by this Act transferred to and vested in the two companies jointly and for their joint and equal use and benefit upon and subject to the terms and conditions contained in this Act.

Consideration for transfer.

46. Within two months after the passing of this Act the Company shall issue to the holders of the capital and debenture stock of the Western sections certificates for the under-mentioned amounts of stock in the Company in exchange for the certificates now held by such holders respectively (that is to say):

To each registered holder of debenture stock in the Western sections a certificate for such an amount of Midland Railway four per centum debenture stock as will yield to such holder an amount of interest or dividend equal to that produced by the debenture stock in exchange for which such certificate is issued:

To each registered holder of preference stock or preferred shares in the Western sections a certificate for such an amount of Midland Railway four per centum preference stock as will yield to such holder an amount of dividend equal to that produced by the shares or stock in exchange for which such certificate is issued:

To each registered holder of deferred or ordinary stock or shares in the Western sections a certificate for forty-seven pounds of Midland Railway four per centum preference stock in exchange for each one hundred pounds of deferred or ordinary stock or shares in exchange for which such certificate is issued and so in proportion for any greater or less sum than one hundred pounds But notwithstanding anything contained in this section no person or corporation shall become entitled under this section to any fractional part of a pound of Midland Railway debenture or preference stock but in every case in which any such person or corporation would but for this enactment have been entitled to a fractional part of a pound of such stock the Company may pay to such person or corporation a sum in cash equal to the market value of such fractional part and the Company may from time to time create and issue such further additional amounts of the several classes of stock by this section authorised to be created and issued as they may find requisite for giving effect to the provisions of this section:

Provided that where the Company are for twelve months after the date of vesting unable after diligent inquiry to ascertain the person to whom any stock ought to be issued as aforesaid or cannot obtain a sufficient discharge for the same the Company may transfer the same to the Paymaster-General for and on behalf of the Supreme Court of Judicature in England under any Act from time to time in force for the relief of trustees and every such transfer shall conclusively discharge the Company from all further liability with respect to any stock so deposited and for the purpose of this Act such stock shall be deemed issued to the person absolutely entitled thereto and any person afterwards showing to the satisfaction of the High Court of Justice in England that he is entitled thereto may obtain transfer thereof accordingly:

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Power to Company to create debenture and preference stock for purposes of Western sections amalgamation.

47. The Company may in addition to any other capital which they are by this Act authorised to raise create such amounts of Midland Railway four per centum debenture stock and of Midland Railway four per centum preference stock as may be necessary for giving effect to the last preceding section of this Act and the debenture stock and preference stock so created shall respectively form part of or shall rank pari passu with the existing Midland Railway four per centum debenture stock and Midland Railway four per centum preference stock.

Proportion of gross receipts of Western sections to be paid to Eastern and Midlands Company.

48. As from the first day of January one thousand eight hundred and eighty-nine and until the date at which the stocks created and issued under the two last preceding sections shall commence to bear interest or dividend the proportion of gross receipts of the Western sections payable to the Eastern and Midlands Company shall be such as will produce a fund sufficient to pay to the holders of the several classes of debenture and preference and deferred or ordinary capital respectively of the Western sections the rates of interest or dividend to which they will respectively be entitled after the date of vesting.

The two companies to have equal rights in respect of transferred undertaking.

49. Notwithstanding anything contained in this Act the two companies shall from and after the date of vesting have equal rights each with the other in all respects as to working over and using and may work over and use the Western sections and also the joint railways as and when the same are from time to time completed and the stations works and conveniences thereof and no advantage shall be given to or taken by either company to the prejudice of the other and the Peterborough section as well as the joint line and the Midland and Eastern section shall be worked and managed by the joint committee.

Great Northern Company to make annual payments to Company.

50. From and after the date of vesting the Great Northern Company shall pay to the Company by equal half-yearly payments on the fifteenth day of January and the fifteenth day of July in each year an annual sum equal to one-half the aggregate annual sum payable by the Company by way of interest on debenture stock or dividends on preference stock issued under the provisions of this Act to holders of debenture stock or preference stock or preferred shares or deferred or ordinary stock or shares in the Western sections and within one month after the date of vesting the Great Northern Company shall pay to the Company a sum equal to one-half of the excess of the proportion of gross receipts of the Western sections above fifty per centum thereof from the first day of January one thousand eight hundred and eighty-nine until the date

at which the first half-yearly payment under this section shall begin to accrue due. A.D. 1889.

As to directors of Eastern and Midlands Company after transfer of Western sections.

51. With regard to the directors of the Eastern and Midlands Company the following provisions shall have effect:

(1) At the first ordinary meeting of the Eastern and Midlands Company to be held after the passing of this Act the directors elected by the holders of shares in the Midland and Eastern and Peterborough sections of the Eastern and Midlands Company shall cease to be directors of that Company but if qualified in the manner prescribed by section nineteen of the Eastern and Midlands Railway Act 1883 shall be eligible for re-election as directors of that Company:

(2) As from the date of the said meeting the number of the directors of the Eastern and Midlands Company shall be six but that Company may if they think fit at the said ordinary meeting or subsequently reduce the number of the directors of that Company so that it shall not be less than three:

(3) After the said ordinary meeting the directors of the Eastern and Midlands Company shall retire from office and be elected from time to time in accordance with the provisions of the Companies Clauses Consolidation Act 1845.

For the protection of the Postmaster-General.

52. Nothing in this Act or in the Eastern and Midlands Act 1888 or in the agreement scheduled to the last-mentioned Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works authorised by the Eastern and Midlands Act 1888 and the deviation railways by this Act authorised (in lieu of the portions of railway authorised by the Eastern and Midlands Act 1888 which are by this Act authorised to be abandoned) and any railways and works comprised in any undertaking of the Eastern and Midlands Company which have been authorised by Act of Parliament passed since the first day of January one thousand eight hundred and seventy-eight and from time to time to alter such telegraphic lines and to enter upon the lands and works comprised in any undertaking of the two Companies or the Eastern and Midlands Company for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act have and be at liberty to exercise all the rights aforesaid notwithstanding that the railway and works authorised by the Eastern and Midlands Act 1888 and the deviation railways by this Act authorised and any railways and works as aforesaid or any of them are transferred to and vested in or belong to or are worked and managed by the two companies or either of them.

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Provision as to redemption of fixed rent payable to Somerset Company.

53. The Company and the South Western Company with the consent of the Somerset Company may from time to time enter into and carry into effect agreements for the redemption of the fixed annual rent of fifty-seven thousand four hundred and eight pounds payable to the Somerset Company by the Company and the South Western Company under the provisions of the Somerset and Dorset Railway Leasing Act 1876 or of any part thereof by the issue to the shareholders or debenture holders in the Somerset Company of such amounts of debenture stock of the Company and of the South Western Company or either of them as may be agreed upon with such shareholders and debenture holders respectively and for the purposes of such redemption the Company and the South Western Company respectively may create and issue such amounts of debenture stock as may be requisite for giving effect to any such agreement as aforesaid.

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

54. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise by the creation and issue of new shares or stock such sums of money as they shall think necessary not exceeding one million pounds exclusive of the other moneys which they are or may be by this or any other Act or Acts of Parliament authorised to raise 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.

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

55. The Company shall not issue any new share created under the authority of this Act nor shall any such 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.

Votes in respect of new shares or stock.

56. The Company may if they think fit attach to all or any new shares or stock or any class of new shares or stock created under the powers of this Act before the creation thereof any total or partial permanent or temporary restrictions of the rights of voting and other qualifications of the holders thereof.

Shares or stock of same class to have like privileges.

57. All new shares or stock of the same class created under this Act shall confer like privileges and shall bear like dividends or interest and be subject to like restrictions if any.

Vesting of new shares or stock.

58. Subject to the provisions of this Act all new shares or stock created under this Act shall vest in and belong to such of the then holders of shares or stock as shall accept the same and pay the first instalment on the shares or the amount of the stock at the time which shall be fixed by the directors and specified in the letter offering the new shares or stock.

Shares or stock not accepted may be disposed of by Company.

59. If any holder of shares or stock for one month after such offer of new shares or stock fail to accept the same and pay the required sum in respect thereof the directors shall dispose of the same in such manner as they may deem most for the advantage of the Company.

Qualifications of new shares or stock.

60. Except as by or under the powers of this Act otherwise provided all new shares or stock issued under the powers of this Act shall in proportion to the aggregate amount from time to time paid up on the new shares held by the same person at the same time or to the amount of the stock so held entitle the respective holders of such new shares or stock to the same dividends and profits and confer on them the like qualifications and the like rights of voting as the like amount paid up on the existing shares or stock of the Company other than and except shares or stock to which any guaranteed or preferential dividend of a fixed amount without further participation in the profits of the Company shall have been assigned Provided always that unless otherwise determined by the meeting sanctioning the new shares or stock no person shall be entitled to vote in respect of any of the new shares or stock to which a fixed or preferential dividend or other special advantage shall be assigned.

Saving rights of existing preference shareholders.

61. Except as by this Act otherwise expressly provided this Act or anything therein contained shall not prejudice or affect any preference or priority in the payment of interest or dividend on any other shares or stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament or which may otherwise be lawfully subsisting or any dividend on any Midland Railway debenture stock.

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

62. 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 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 means of new shares or stock.

Power to borrow.

63. The Company may in respect of the additional capital of one million pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole three hundred and thirty-three thousand pounds:

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But no part thereof shall be borrowed until shares for so much of the said additional capital 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 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 so much of the said additional 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 successors or assigns and also so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors 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 in reference to such capital has been given which certificate shall be sufficient evidence thereof.

Provisions with respect to appointment of a receiver.

64. 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 interest or principal or principal 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.

Existing mortgages to have priority.

65. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act and which shall be subsisting at the time of the passing thereof shall during the continuance of such mortgages

and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages to be 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.

Company may create debenture stock.

66. 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 Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

67. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Company may apply corporate funds.

68. The Company may from time to time apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Providing for consolidation of debenture stocks.

69. Whereas the Company have created and issued debenture stock of different classes and bearing different rates of interest or dividend and it would be convenient to the public and the debenture stock holders and to the Company if those different classes of debenture stock were consolidated:

Therefore as from the first day of January one thousand eight hundred and ninety all the then existing debenture stock in the undertaking of the Company shall be and the same shall by the authority of this Act be consolidated into debenture stock (to be called "Midland Railway debenture stock") of one class and bearing an uniform rate of interest of three per centum per annum:

Provided always that such consolidation shall not take effect unless the Company shall have previous to the said date created and registered in the name of each holder of their debenture stock such a nominal amount of Midland Railway debenture stock as will yield an amount of interest or dividend thereon equal to the amount of

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interest or dividend yielded by the existing debenture stock in lieu of which the Midland Railway debenture stock is so issued and they may create and issue Midland Railway debenture stock accordingly:

Forthwith upon the consolidation taking effect the Company shall issue to every holder of their debenture stock free of charge for so doing a certificate for and representing such an amount of Midland Railway debenture stock as such holder is entitled to under the foregoing provision:

Provided always that until the issue of such new certificates the existing certificates of debenture stock and the holders thereof shall bear and possess the same rights and advantages as they would have had and possessed if this Act had not passed But when such new certificates are issued the existing certificates shall be deemed to be cancelled:

Provided also that notwithstanding anything in this section contained no person or corporation shall become entitled under this section to any fractional part of a pound of Midland Railway debenture stock but in every case in which any such person or corporation would but for this enactment have become entitled to a fractional part of a pound of such stock the Company may pay to such person or corporation a sum in cash equal to the market value of such fractional part and the Company may from time to time create and issue such further additional amount of Midland Railway debenture stock as they may find requisite for giving effect to the provisions of this section:

Provided also that the Company shall not issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the satisfaction of the Company to have been lost or destroyed:

The Midland Railway debenture stock shall remain and be vested in the person or perscns to whom it is issued upon the same trusts and subject to the same powers provisoes declarations agreements charges liabilities and incumbrances as at the time of the issue thereof affect the debenture stock in substitution for which the Midland Railway debenture stock is issued and so as to give effect to and not revoke any deed will or other instrument disposing of or affecting the same and every such deed will or other instrument affecting such first-mentioned debenture stock shall be held to apply to the Midland Railway debenture stock so substituted therefor or a proportionate part thereof as the case may be.

Trustees &c. may accept consolidated stock.

70. Trustees executors and administrators may accept any Midland Railway debenture stock created and issued under the authority of this Act in substitution for any other debenture stock consolidated under the authority of this Act and may hold dispose

of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the debenture stock for which such Midland Railway debenture stock was substituted.

Great Northern Company may apply their funds towards purposes of Act.

71. The Great Northern Company may apply to the purposes of this Act in which they are interested and to which capital is properly applicable any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised.

Interest not to be paid on calls paid up.

72. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

73. The Company shall not out of any money by this Act authorised to be raised by them 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.

Saving rights of the Crown in the foreshore.

74. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act.

75. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Provision as to general Railway Acts.

76. Nothing in this Act contained shall exempt the Company or the Great Northern Company or their respective railways from

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the provisions of any general Act relating to railways or the better or 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 or the Great Northern Company.

Costs of Act.

77. 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.

Describing lands buildings and manufactories whereof portions only are required to be taken by the Company.

No. on Deposited Plans.	Township and Parish.	Description of Property.
	Linacre Branch.	
5	Township of Bootle-cum-Linacre parish of Walton-on-the-Hill.	Brickworks land and pond.
8	Township of Bootle-cum-Linacre parish of Walton-on-the-Hill.	Gasworks.
	Blackwell Branch Extension.	
1	Township of Hucknall-under-Huthwaite parish of Sutton-in-Ashfield.	Colliery railway land and footpath.
19	Township of Hucknall-under-Huthwaite parish of Sutton-in-Ashfield.	New Hucknall Colliery sidings works and land telephone posts and wires.
124	Township of Sutton-in-Ashfield parish of Sutton-in-Ashfield.	Manufactory yard and shopping called "Springbank Works."
	Chinley South Curve.	
17	Township of Chinley Bugsworth and Brownside parish of Glossop.	House roadway forecourt yard outbuildings and garden Provided that the centre line be not deviated eastward from the centre line shown upon the deposited plans.
18	Township of Chinley Bugsworth and Brownside parish of Glossop.	Mill outbuildings and yards.
19	Township of Chinley Bugsworth and Brownside parish of Glossop.	Occupation road yard and footpath.

SECOND SCHEDULE.

Superfluous Lands.

Parish.	County.
Burton Extensions.	
Burton-upon-Trent	Stafford.
Dronfield and Unstone Line.	
Dronfield	Derby.
Killamarsh Branch Extension.	
Killamarsh	Derby.
Wales	York (West Riding).
Treeton	York (West Riding).
Harthill	York (West Riding).
Litchurch Wagon Branch.	
Saint Peter Derby	Derby.
Breedon Cross Junction Curve.	
Kings Norton	Worcester.
Radford Deviations.	
Lenton	Nottingham.
Radford	Nottingham.
Bennerley and Bulwell Line.	
Ilkeston	Derby.
Nuthall	Nottingham.
Greasley	Nottingham.
Bulwell	Nottingham.
Swinton and Knottingley.	
Adwick-upon-Dearne	York (West Riding).
Bolton-upon-Dearne	York (West Riding).
Thurnscoe	York (West Riding).
Clayton	York (West Riding).
South Kirkby	York (West Riding).

SWINTON AND KNOTTINGLEY—*continued.*

Parish.	County.
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Badsworth	York (West Riding).
Ackworth	York (West Riding).
Pontefract	York (West Riding).
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