CHAP. lxiii.

An Act for conferring additional powers on the Midland Railway Company for the construction of works, and for the raising of further capital, and for other purposes. A.D. 1870.

[20th June 1870.]

New railways and discontinuance of Williamthorpe Incline.

WHEREAS it is expedient that the Midland Railway Company (herein-after called "the Company") should be empowered to construct certain branch and junction railways in the counties of Derby and Leicester, and in connexion therewith to discontinue the maintenance as a railway of a portion of their branch railway in the parish of North Wingfield in the county of Derby, known as the Williamthorpe Incline:

Acquisition of railways, diversion of road, and abandonment of Sheepbridge Branch.

And whereas it is expedient that the Company should be empowered to acquire and hold as part of their undertaking certain railways in the parishes of Chesterfield, Whittington, and Staveley, in the county of Derby, and in connexion therewith to alter or divert a portion of the turnpike road leading from Chesterfield to Sheffield, and to abandon the construction of their authorised Sheepbridge Branch railway:

Alteration of levels, &c. of railways and road at Birmingham.

And whereas it is expedient that, with a view to getting rid of an existing level crossing, the Company should be empowered to alter within the parish of Aston-juxta-Birmingham the levels of portions of their railways, and also to alter the line and levels of a portion of the public carriage road in the same parish known as Duddeston Mill Road:

Alteration, &c. of mill stream and contribution by Corporation of Birmingham.

And whereas it is expedient that the Company should be empowered to alter and divert within the said parish of Aston-juxta-Birmingham the line of, and to widen the bed or channel of the Duddeston Mill Stream, and to execute the other works and do the other acts in connexion therewith in this Act specified; and inasmuch as the execution and performance of the before-mentioned works and acts will be advantageous to the inhabitants of the borough of Birmingham, it is expedient that the corporation of that borough

A.D. 1870.

should be empowered to contribute towards the costs and expenses attending the execution of all or some of such works, or by agreement with the Company to undertake the execution thereof themselves, and to apply to the purposes aforesaid their corporate funds:

New road, &c., stopping up, &c. of footpaths, additional lands.

And whereas it is expedient that the Company should be empowered to make new roads in the township and parish of Long Marton in the county of Westmorland, and in the parishes of Osmaston and Saint Peter, Derby, in substitution for portions of existing roads proposed to be stopped up, and to acquire for purposes connected with their undertaking certain additional lands, and to divert and stop up certain footpaths:

Deposit of plans, &c.

And whereas plans and sections showing the lines and levels of the before-mentioned railways and other works, and the lands which the Company are by this Act empowered to acquire and appropriate, and books of reference to such plans, have been deposited with the clerks of the peace for the several counties within which those respective railways and works will be constructed or maintained and those 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:

Extension of Time. (Settle and Carlisle.)

And whereas it is expedient that the time limited by the Midland Railway (Settle to Carlisle) Act, 1866, for the construction of the railways and works by that Act authorised should be extended:

(Radford and Trowell.)

And whereas it is expedient that the time limited by the Midland Railway (Branches, &c.) Act, 1866, for the construction of the railway from Radford to Trowell in the county of Nottingham, being the railway firstly by that Act authorised, should be extended:

(Thornbury.)

And whereas it is expedient that the time limited by the Midland Railway (Bath and Thornbury Lines) Act, 1864, and extended by the Midland Railway (Additional Powers) Act, 1869, for the construction of the Bath and Thornbury Lines should, as regards that portion of the Thornbury Line which extends from the crossing of the River Laden to Thornbury, be further extended:

Camden Square.

And whereas it is expedient that the Company should be empowered to remove the roof or covering over that portion of the railway first described in and authorised by the Midland Railway (Extension to London) Act, 1863, which lies between Camden Mews South and the junction of Saint Augustine's Road, Murray Street, and Saint Paul's Road, and to maintain the same as open cutting:

Matlock Company. Vesting of undertaking.

And whereas under and by virtue of the provisions of the Manchester, Buxton, Matlock, and Midlands Junction Railway and

Cromford Canal Leasing Act, 1852, the undertaking of the Manchester, Buxton, Matlock, and Midlands Junction Railway Company (in this Act called "the Matlock Company") is leased to the Company and the London and North-western Railway Company (in this Act called "the North-western Company") jointly for the term of nineteen years from the first day of July one thousand eight hundred and fifty-two: And whereas the railway of the Matlock Company joins the railway of the Company near the Ambergate Station thereon, and forms part of the direct communication for the Company's traffic between London, Derby, Nottingham, Leicester, and other places on the southern and eastern portions of the Company's undertaking on the one hand, and Manchester, Liverpool, and other places north of Derby on the other hand, and it would be of public advantage if the undertaking of the Matlock Company were vested in and became part of the undertaking of the Company: And whereas it is expedient and the Company and the Matlock Company have agreed that the undertaking of the last-named Company should as from the determination of the before-mentioned lease be transferred to and vested in the Company:

Additional capital.

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of the railways and works by this Act authorised, and for the other objects sought to be effected thereby, and also for the making and enlargement of stations, sidings, warehouses, engine-sheds, workshops, coal-yards and drops, and other works and conveniences for the accommodation of the greatly increased and increasing traffic on their railway, and for completing the purchase of lands and buildings for any of the above-mentioned purposes, and providing additional plant and rolling stock, and for the general purposes of their undertaking:

Amendment of Acts.

And whereas it is expedient that some of the powers and provisions of the existing Acts relating to the Company should be altered, amended, extended, and enlarged, and that such further powers should be granted to the Company as are herein-after mentioned:

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 (Additional Powers) Act, 1870.

A.D. 1870.

Provisions of general Acts herein named incorporated.

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

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

The 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 and transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The consolidation of shares into stock;

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 provision to be made for affording access to the special Act; and

Part II. (relating to additional capital) of the Companies Clauses Act, 1863.

Interpretation of terms.

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

The expression "the Company" means the Midland Railway Company;

The expression "the corporation" means the mayor, aldermen, and burgesses of the borough of Birmingham; and

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 be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Power to make railways according to deposited plans.

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 the railways herein-after described, with all proper stations, approaches, works, and conveniences connected

therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are—

1. The Coton Park Branch (two miles six furlongs or thereabouts in length and to be situate in the counties of Derby and Leicester), from the Leicester and Swannington Branch of the Company's railway at or near the Church Gresley Station to or near the Coton Park Colliery, including an extension thereof in a south-easterly direction from the above-described termination :

2. The Staveley Springwell Curve (three furlongs two chains or thereabouts in length, and to be situate wholly in the county of Derby), connecting the Springwell Branch of the Staveley railways north-west of the Staveley Station with the line of the Midland Railway between Derby and Leeds south-west of the same station :

3. The Pilsley Branch Extension (five miles or thereabouts in length, and to be situate wholly in the county of Derby), connecting the Pilsley Branch of the Midland Railway north of the point where the public highway from Morton to Hardstoft crosses that railway with the line of the Midland Railway between Derby and Leeds south of the Avenue Colliery :

And the said railways and works shall for the purposes of tolls and charges and for all other purposes whatsoever be part of the undertaking 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 & 8 Vict. c. 18, 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 & 10 Vict. c. 326, entitled An Act to consolidate the Bristol and Gloucester and Birmingham and Gloucester Railway Companies with the Midland Railway Company.

Power to cross a certain road on the level.

5. Subject to the provisions in the Railways Clauses Consolidation Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, it shall be lawful for the Company, in the construction of the railway thirdly herein-before described, to carry the same with a single line of railway only whilst the railway shall consist of a single line, and afterwards with a double line of

A.D. 1870. railway only, across and on the level of the road next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
34	North Wingfield - -	Public road.

Lands for extraordinary purposes.

6. The quantity of land to be taken by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed ten acres.

Period for completion of railways.

7. The railways by this Act authorised and herein-before described shall be completed within five years from the passing of this Act.

Imposing penalty unless railways be opened.

8. If the Company fail within the period limited by this Act to complete the railways by this Act authorised to be made and herein-before described, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway in respect of which the penalty is incurred is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the amount of the estimated cost of the railway in respect of which the penalty has been incurred (that is to say, as regards the Coton Park Branch thirty-one thousand five hundred pounds, as regards the Staveley Springwell Curve four thousand four hundred pounds, and as regards the Pilsley Branch Extension forty-eight thousand one hundred pounds); and the said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway in reference to which the penalty has been incurred, in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as 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 the said third section of the 17 & 18 Vict. c. 31, to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England. in the bank named in such 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 respective

railway 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.

Providing for application of penalty in compensation to parties injured by non-completion of railways.

9. 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 may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway in respect of which the penalty is incurred or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railway, 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 Court of Chancery in England may seem fit; and 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 shall have 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 be paid to the Company.

On expiration of time limited for completion of railways powers to cease.

10. If the railways by this Act authorised to be constructed shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the Company for making and completing the said railways or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

After completion and opening of Pilsley Branch Extension Company not required to keep open for traffic certain portions of Williamthorpe Incline.

11. After the completion and opening for public traffic of the Pilsley Branch Extension Railway by this Act authorised, it shall not be incumbent on the Company to maintain and keep open for public traffic that portion of the branch railway of the Company in the parish of North Wingfield, known as the Williamthorpe Incline, which lies between a point thereon near the foot of the incline, where it is crossed by the highway leading from Woodthorpe to North Wingfield, and another point thereon near the summit of the incline, where it is crossed by the highway leading from Chesterfield to North Wingfield.

Power to acquire railways in parishes of Chesterfield,

12. The Company may acquire by compulsion or agreement the railways next described (and herein-after referred to as "the Sheepbridge Railways"), and all or any estate and interest in the lands on which those railways are respectively constructed, and all stations,

A.D. 1870.

Whittington, and Staveley.

works, and conveniences connected with those railways respectively; (that is to say,)

A railway commencing in the township of Newbold and Dunston in the parish of Chesterfield in the county of Derby by a junction with the main line of the Midland Railway at a point thereon fifteen chains or thereabouts north of the bridge carrying the Midland Railway over the Chesterfield Canal, and terminating at or near the Monkwood Colliery in the township of Great Barlow in the parish of Staveley in the county of Derby:

A railway commencing in the said township of Newbold and Dunston by a junction with the railway lastly above described at a point thereon near to Cobnar Wood Colliery, and terminating in the township of Great Barlow in the parish of Staveley in the county of Derby at or near the Nesfield Colliery:

And they may maintain the first-mentioned railway with two lines of rails on the level across the public roads numbered respectively on the deposited plans relating to those railways 31 in the parish of Whittington and 40 in the parish of Chesterfield. And the said railways and works respectively when so acquired by the Company shall for the purposes of tolls and charges and for all other purposes whatever be part of the undertaking 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 & 8 Vict. c. 18, 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 & 10 Vict. c. 326, entitled An Act to consolidate the Bristol and Gloucester and Birmingham and Gloucester Railway Companies with the Midland Railway Company.

Power to divert part of turnpike road between Chesterfield and Sheffield.

13. Subject to the provisions of this Act the Company may make in the line and according to the levels shown on the deposited plans and sections relating thereto the alteration of road herein-after described, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for that purpose. The alteration of road herein-before referred to and authorised by this Act is—

An alteration in the county of Derby of the line and levels of so much of the turnpike road between Chesterfield and Sheffield as extends from a point thereon eight chains or thereabouts south of the crossing of the said turnpike road on the level by

the first herein-before described of the Sheepbridge railways to another point on the said turnpike road seven chains or thereabouts north of the said level crossing:

And in constructing that alteration the Company may deviate to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet; provided that the gradient or inclination of the said road shall not be steeper than is stated on the deposited sections, and that the wooden screen or fence on the side of the bridge carrying the said road over the said Sheepbridge Railway shall on the side nearest the main line of the Company's railway be not less than six feet in height; and provided also, that the Company shall maintain the portion of the said road to be constructed under the powers of this Act during two years after the same shall be opened for public use.

Provision for repair of altered road.

14. The alteration of road authorised by this Act shall, from and after the expiration of the two years mentioned in the last preceding enactment, be repaired and maintained by and at the expense of the trustees of the turnpike road from Chesterfield to Sheffield, in the same manner and to the same extent as the portion of road for which the alteration is intended to be substituted would if the alteration had not been made have been repaired and maintained: Provided always, that if any question shall arise between the Company and the said trustees upon the provisions of this present and the last preceding enactments or either of them, 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 the justices for the purpose, and the certificate of the justices in respect thereof shall be conclusive evidence of the fact so certified.

Company may abandon Sheepbridge Branch.

15. When and so soon as the Company shall have acquired the Sheepbridge railways they shall abandon the construction of the Sheepbridge Branch in the county of Derby, being the railway sixthly described in and authorised by the Midland Railway (Branches, &c.) Act, 1866.

Compensation for damage to land by entry, &c. for purposes of railway abandoned.

16. The abandonment by the Company under the authority of this Act of the Sheepbridge Branch shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of the Lands Clauses Consolidation Act, 1845, 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

A.D. 1870.

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 Company to receive compensation in accordance with the provisions in that behalf of the Railways Clauses Consolidation Act, 1845, 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 last-mentioned Act, or the Midland Railway (Branches, &c.) Act, 1866, in relation to that branch.

Compensation to be made in respect of railway abandoned.

17. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of the railway authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, 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 the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act, 1845, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to alter levels of Midland Railway and line and levels of Duddeston Mill Road in the parish of Aston-juxta-Birmingham.

18. Subject to the provisions of this Act the Company may, within the parish of Aston-juxta-Birmingham in the county of Warwick, alter the levels of their lines of railway and the line and levels of the Duddeston Mill Road, in the manner and to the extent shown on the deposited plans and sections relating thereto, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

Power to divert, deepen, widen, &c. bed or channel of Duddeston Mill Stream and execute other works.

19. Subject to the provisions of this Act the Company may, within the said parish of Aston-juxta-Birmingham, execute the works and exercise the powers following, or any of them, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for those purposes; (that is to say,)

They may make alterations and diversions of and in the line of, and may deepen and widen the bed or channel of, the Duddeston Mill Stream, and may continue and extend the course of the said mill stream from the mill pond thereof to and into the River Rea, at a point thereon ten chains or thereabouts south of the bridge carrying the Saltley Road over the said river:

They may, at and from the sluices and weir at the east corner of the goods yard of the Midland Railway at Lawley Street, conduct and divert the waters of the said River Rea to and into the said mill stream so to be altered, diverted, and extended:

They may stop up such parts of the said River Rea and the bed and channel thereof and such of the byewashes and mill-races connected with the said mill stream as lie between the said sluices and weir and the junction of the said mill stream as proposed to be extended with the said river or as may become unnecessary by reason of such alterations, diversions, and extension:

They may acquire and appropriate to the purposes of their undertaking such portions of the parts of the said river and byewashes so proposed to be stopped up as are delineated and described as aforesaid.

Authorising agreements with Corporation of Birmingham.

20. The Company and the Corporation of Birmingham may from time to time enter into and carry into effect agreements with reference to the contribution by the corporation towards the costs and expenses attending the execution of all or any part of the works and the exercise of all or any of the powers mentioned in the last preceding enactment, or with reference to the execution of any of such works or the exercise of such powers by the corporation themselves, and the corporation may in pursuance of any such agreement contribute such sum as shall have been agreed upon towards such costs and expenses, and may, if so agreed, themselves execute all or any of such works and exercise all or any of such powers, and may apply such part of their corporate funds as may be necessary in or towards such contribution or in or towards the execution of such works or the exercise of such powers.

Restricting interference with the lands of the Birmingham and Staffordshire Gaslight Company.

21. The Company shall not, without in every case the previous consent of the Birmingham and Staffordshire Gaslight Company (herein-after called the Gas Company) in writing under their common seal, take, use, enter upon, or interfere with any of the lands from time to time belonging to or in the possession or under the power of that Company, except only such part or parts of their lands as it shall be necessary for the Company to take and use, enter upon, or interfere with for the purpose of making and maintaining the works by this Act expressly authorised.

Alterations of gas mains.

22. All alterations in the position or otherwise of the mains or pipes of the Gas Company which may be required for the purpose of any works by this Act authorised shall be made and executed by and at the cost of the Company, but under the superintendence and

A.D. 1870.

to the reasonable satisfaction of the engineer for the time being of the Gas Company, and no such alteration shall be commenced until after three days notice in writing shall have been given to the Gas Company; and any difference as to the manner of carrying out this enactment or any matter or thing arising thereunder shall be settled by an engineer to be appointed by the Board of Trade.

Saving rights of the Gas Company.

23. Except as is expressly enacted by this Act, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the rights, privileges, or powers of the Gas Company.

Power to make new road at Long Marton and stop up part of existing road.

24. Subject to the provisions of this Act the Company may make, in the line and according to the levels shown on the deposited plans and sections relating thereto, the new road herein-after described, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for that purpose. The new road herein-before referred to and authorised by this Act is—

A new road in the township and parish of Long Marton in the county of Westmoreland, commencing from and out of the public carriage road leading from Appleby to Long Marton at a point thereon at or near the entrance lodge to Marton House, and terminating at another point on the same road eleven chains or thereabouts south of the said lodge:

And in constructing that new road the Company may deviate to the extent of the limits of deviation marked on the deposited plans, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet; and when and so soon as the new road is completed and opened to the public the Company may stop up and discontinue as a public carriage road or highway that portion of the said public carriage road which is intended to be crossed by the Settle and Carlisle Railway, and all rights of way in or over the said portion of road are hereby extinguished.

Provision for repair of new road.

25. The new road authorised by this Act when completed shall from time to time be repaired and maintained by and at the expense of the same parties, in the same manner, and to the same extent as the portion of the said public carriage road leading from Appleby to Long Marton by this Act authorised to be stopped up would have been from time to time liable to be repaired and maintained if this Act had not been passed: Provided always, that if any question shall arise between the Company and those parties as to the due completion of the said new road, such questions 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 the justices for the purpose, and the certificate of the justices of the due completion of the alteration shall be conclusive evidence of the fact so certified.

Power to make new occupation road at Derby and stop up part of existing occupation road.

26. Subject to the provisions of this Act the Company may make the occupation road herein-after described, with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference relating thereto as may be required for that purpose. The occupation road herein-before referred to and authorised by this Act is—

An occupation road in the county of Derby, commencing in the parishes of Osmaston and Saint Peter, Derby, or one of them, at the point of junction of the London Road with the lane known as Dead Man's Lane, and terminating in the parish of Saint Peter, Derby, by a junction with the existing occupation road leading through the meadows lying between the Derby Canal and the River Derwent at a point on that occupation road seventeen chains or thereabouts east of the bridge known as Stand Bridge:

And in constructing that road the Company may deviate to the extent of the limits of deviation marked on the deposited plans; and when and so soon as the new occupation road is completed and opened the Company may stop up and discontinue as a road so much of the existing road as lies between the London Road and the Derby Canal, and all rights of way in or over the said portion of road are hereby extinguished: Provided always, that nothing in this Act shall empower the Company, without the previous consent in writing of the Derby Gaslight and Coke Company, to enter upon, take, or use any portion of the plot of ground mentioned and described in article 3 of the agreement between the Company and the Derby Gaslight and Coke Company scheduled to and confirmed by the Midland Railway (Derby Gas) Act, 1867, nor shall the Company without the like consent exercise, otherwise than subject to and in accordance with all the provisions of the said agreement and of the Act confirming the same, any of the powers of stopping up or interfering with the existing occupation road above described by this present enactment conferred upon the Company.

Power to acquire additional lands for general purposes.

27. 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, and use, and appropriate to

A.D. 1870. the purposes of their undertaking, all or any of the lands and buildings following delineated on the deposited plans and described in the deposited books of reference relating thereto; (that is to say,)

Certain lands and houses in the township and parish of Chesterfield in the county of Derby fronting to and lying on the east side of Eyre Street and between Eyre Street and the Chesterfield Station of the Midland Railway:

Certain lands and houses in the township and parish of North Wingfield in the county of Derby lying on the east side of and adjoining the Erewash Valley Branch of the Midland Railway and between the River Rother and the public highway leading from Clay Cross to North Wingfield:

Certain lands and houses in the parishes of Spondon and Chaddesden in the county of Derby lying on the south side of and adjoining or near to the Midland Railway between Spondon and the Chaddesden Sidings of the Company, and extending from the Spondon Junction for a distance of one mile and twenty-one chains or thereabouts in a westerly direction, and certain other lands and houses in the parish of Spondon lying between the Derby Canal and the said railway thirty-five chains or thereabouts west of the Spondon Junction:

Certain lands and houses in the parish of Great Bowden in the county of Leicester lying between the public highway leading from Thorpe Langton to Market Harborough and the Midland Railway from Leicester to Hitchin, and certain other lands and houses in the same parish lying on the west side of and adjoining the said Leicester and Hitchin Railway:

Certain lands and houses in the parish of Saint Margaret, Leicester, in the county of Leicester, lying between and adjoining the railway and station of the Company and Station Street, Leicester:

Certain lands and houses in the township of Swinton in the parish of Wath-upon-Dearne in the west riding of the county of York lying near to Kilnhurst Station on the east side of and adjoining the Midland Railway from Derby to Leeds, and on the south side of the turnpike road leading from Wentworth to Houghton Roberts:

Certain lands and houses in the township and parish of Rawmarsh in the west riding of the county of York lying on the east side of and adjoining the Midland Railway from Derby to Leeds, and on the north side of a private colliery railway belonging to Messieurs Charlesworth:

Certain lands and houses in the township of Holbeck in the parish of Leeds in the west riding of the county of York

lying on the south-west side of Nineveh Lane, and on the south side of and adjoining the Midland Railway from Derby to Leeds:

Certain lands and houses in the parishes of Lenton and Beeston in the county of Nottingham lying on both sides of and adjoining or near to the Midland Railway from Derby to Nottingham, and between the mile post on that railway denoting one mile and three quarters from Nottingham and the road crossing that railway called Padge Lane:

Certain lands and houses in the parish of North Collingham in the county of Nottingham lying on the north-west side of and adjoining the Nottingham and Lincoln Branch of the Midland Railway, and on the north side of the Collingham Station.

Powers for compulsory purchase limited.

28. The powers granted by this Act for the compulsory purchase of lands and buildings shall not be exercised after the expiration of three years from the passing of this Act.

Notice to be given of taking houses of labouring classes.

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

Power to divert, stop up, &c. certain footpaths, &c.

30. The Company may exercise the following powers; (that is to say,)

(1.) They may alter and divert in the parish of Mangotsfield in the county of Gloucester, through or over lands belonging to them, the course and direction of so much of a certain footpath leading from Pucklechurch to Mangotsfield as lies between the public carriage road leading over Rodway Hill to Mangotsfield and the occupation road which is crossed by the Midland Railway between Gloucester and Bristol, at a point on that railway twenty-two chains or thereabouts south-west of the crossing of the same railway by the said public carriage road; and when and so soon as the alteration and diversion of the said footpath is completed and opened, they may stop up and discontinue as a footpath so much of the said footpath as lies between the points aforesaid:

A.D. 1870.

(2.) They may stop up and discontinue as a footpath so much of the existing footpath in the township and parish of Wirksworth in the county of Derby which now crosses the Midland Railway at the Wirksworth Station as lies between the boundaries of the Company's property at that station:

And all rights of way in or over the said portions of footpaths respectively are hereby extinguished.

Extinguishing alleged rights of way over portion of Company's property.

31. Upon the passing of this Act all rights of way (if any) over or along that portion of the Company's railway, works, and lands in the parish of Normanton-on-Soar in the county of Nottingham which lies between the public carriage road leading from Normanton-on-Soar to Rempstone and the occupation road called Far Lane are hereby extinguished.

Site and soil of portions of roads, &c. stopped up vested in Company.

32. The site and soil of the portions of roads and footpaths by this Act authorised to be altered, stopped up, and discontinued, and the fee-simple and inheritance thereof, shall, if the Company are, or if and when they become under the powers of this Act, the owners of the lands on both sides thereof, be from the time of the stopping up thereof respectively wholly and absolutely vested in the Company, and if the Company are or so become the owners of the land on one side only thereof the site and soil of the said portions of roads and footpaths respectively between the Company's land and the centre of such road and footpath, and the fee-simple and inheritance thereof, shall be from the time of the stopping up thereof respectively absolutely vested in the Company.

Extension of time for completion of Settle and Carlisle lines.

33. The period limited by the Midland Railway (Settle to Carlisle) Act, 1866, for the construction and completion of the railways and works by that Act authorised (which are herein-after referred to as "the Settle and Carlisle lines"), is hereby extended until the sixteenth day of July one thousand eight hundred and seventy-three, and section thirty of the Midland Railway (Settle to Carlisle) Act, 1866, shall be and the same is hereby repealed.

Imposing penalty unless Settle and Carlisle lines opened.

34. If the Company fail within the period limited by this Act to complete the Settle and Carlisle lines, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited, until those railways 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 sum of one million six hundred and thirty-eight thousand and forty-three pounds (being the amount of the estimated cost of the Settle and Carlisle lines); 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, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as 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 the said third section of the Act 17 & 18 Vict. c. 31, to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such 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 Settle and Carlisle lines 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.

Providing for application of penalty in compensation to parties injured by non-completion of Settle and Carlisle lines.

35. 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 may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the Settle and Carlisle lines, or either of them, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company of taking property in respect of those railways, 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 Court of Chancery in England may seem fit; and 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 shall have 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 be paid to the Company.

If Settle and Carlisle lines not completed powers to cease.

36. If the Settle and Carlisle lines shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the Company for making and completing those lines or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Extension of time for completion

37. The period limited by the Midland Railway (Branches, &c.) Act, 1866, for the construction and completion of the railway from

A.D. 1870.

of Radford and Trowell line.

Radford to Trowell in the county of Nottingham, being the railway firstly by that Act authorised (and which railway is herein-after referred to as "the Radford and Trowell line"), is hereby extended until the thirtieth day of July one thousand eight hundred and seventy-three, and section thirty-one of the Midland Railway (Branches, &c.) Act, 1866, shall be and the same is hereby repealed.

Imposing penalty unless Radford and Trowell line opened.

38. If the Company fail within the period limited by this Act to complete the Radford and Trowell line, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until that railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the sum of fifty thousand nine hundred and thirty-four pounds (being the estimated cost of the said railway); 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, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as 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 the said third section of the Act 17 & 18 Vict. c. 31, to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such 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 said railway 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.

Providing for application of penalty in compensation to parties injured by non-completion of Radford and Trowell line.

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 may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the Radford and Trowell line, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company of taking property in respect of that railway, 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 Court

of Chancery in England may seem fit; and 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 shall have 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 be paid to the Company.

If Radford and Trowell line not completed powers to cease.

40. If the Radford and Trowell line shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the Company for making and completing that railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Extension of time for completion of portion of Thornbury line.

41. The period limited by the Midland Railway (Bath and Thornbury Lines) Act, 1864, and extended by the Midland Railway (Additional Powers) Act, 1869, for the construction and completion of the Bath and Thornbury lines by the former of those Acts authorised, is hereby extended, so far as relates to that portion of the Thornbury line which extends from the crossing of the River Laden to Thornbury, until the fourteenth day of July one thousand eight hundred and seventy-one, and section nineteen of the Midland Railway (Additional Powers) Act, 1869, shall be read and construed as if the period limited by this Act for the completion of the said portion of the Thornbury line had been the period limited by the above-mentioned Act of 1869 for the completion of the Thornbury line, and as if the sum of forty thousand pounds (being the estimated cost of the said portion of the Thornbury line) had been the sum named in that section instead of the sum of two hundred and thirty-five thousand three hundred and two pounds named therein.

If portion of Thornbury line not completed powers to cease.

42. If the said portion of the Thornbury line shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the Company for making and completing that portion of line, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to remove roof or covering over portion of London Extension Railway

43. Notwithstanding anything contained in that part of section sixty-seven of the Midland Railway, Extension to London, Act, 1863, which enacts or requires that "between the south side of the street "called Saint Paul's Road and the north side of the place called "Camden Road Mews the railway shall be constructed by means "of a covered way, and without any shaft for ventilation," the

A.D. 1870.

Company may remove the roof or covering over that portion of the railway first described in and authorised by that Act which lies between Camden Mews South and the junction of Saint Augustine's Road, Murray Street, and Saint Paul's Road, and may maintain the same as open cutting.

Vesting of undertaking of Matlock Company in the Company.

44. Upon and from the first day of July one thousand eight hundred and seventy-one, or upon and from the day next after the day of any sooner determination of the existing lease of the undertaking of the Matlock Company to the Company and the North-western Company jointly (herein-after referred to as the vesting period), the undertaking of the Matlock Company, and the several railways, canals, branches, extensions, stations, sidings, roads, approaches, buildings, basins, wharves, warehouses, fixed plant, and all other works, and all the lands and all other the property, estate, moneys, and assets, whether real or personal (except only as by this Act excepted), and all the rights, powers, and privileges which at the vesting period belong to or are vested in or may be lawfully exercised or enjoyed by the Matlock Company, whether with respect to their own undertaking or the undertaking of any other company (subject to the charges, debts, covenants, contracts, obligations, and liabilities of the Matlock Company then affecting the same), are by this Act transferred to and absolutely vested in the Company, and shall and may be held, possessed, enjoyed, used, exercised, and executed by the Company, and in their own name, and under their own seal, or under the hands of their directors, secretary, officers, or servants, in the same manner and to the same extent as they respectively could or might, if this Act had not passed, be held, possessed, enjoyed, used, exercised, and executed by the Matlock Company; and thereupon and thenceforth the undertaking of the Matlock Company shall become part of the undertaking of the Company, and the Matlock Company shall, except for the purposes of winding up their affairs, be dissolved: Provided always, that all moneys in the hands of the Matlock Company immediately before the vesting period, and all moneys then due to them, shall belong to and be received by them, and on the other hand that Company shall pay all debts (other than their mortgage debts, not exceeding one hundred and nine thousand one hundred and twenty-eight pounds) which were then due or owing by or from them.

Dividend to be paid by Company to Matlock share-holders.

45. The several persons who at the vesting period are the registered holders of shares in the capital of the Matlock Company (not exceeding in the aggregate the sum of four hundred and fifty-three thousand seven hundred and fifty pounds, being the aggregate

amount of the share capital of the Matlock Company paid or called up) shall thereupon become and be deemed to be holders of stock in the capital of the Midland Company of an amount equal to the amount of the sums paid or called up in respect of the shares held by them respectively, and (subject to the provisions of this Act) such holders and all future holders of shares in the Matlock Company or of the Midland Railway (Matlock) stock shall be entitled to and shall be paid by the Company a dividend thereon at the rate of five pounds per centum per annum in perpetuity. A.D. 1870.

Dividends on shares to be paid half yearly.

46. The dividends payable to the holders of shares in the Matlock Company shall be paid in equal half-yearly portions on the days on which the half-yearly dividends on the shares or stock of the Company are paid, and shall be paid without any deduction except for income tax.

Providing for exchange of certificates.

47. Any holder of shares in the Matlock Company who shall send or deliver the certificate for such shares to the secretary of the Company at the principal office of the Company to be exchanged and cancelled, shall receive in the stead of such certificate a certificate for stock of the same amount in the Company, which certificate shall bear the name of "Midland Railway (Matlock) Stock:" Provided always, that until such exchange the certificates for shares in the Matlock Company shall entitle the holder thereof to the same rights and advantages as would be incident to such certificates if they had been issued under the provisions of this enactment.

Proprietors of new stock not to vote.

48. The proprietors of Midland Railway (Matlock) stock shall not be entitled to vote or otherwise take part in the meetings of the Company.

Saving existing preference shares of Company.

49. Any dividend payable under the provisions of this Act by the Company to the holders of shares in the Matlock Company or of Midland Railway (Matlock) stock 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.

Provision for conversion of Midland Railway (Matlock) stock into ordinary

50. Any holder of Midland Railway (Matlock) stock who shall within twelve months after the vesting period have expressed by notice in writing, addressed to the secretary of the Company at their principal office, his desire to accept ordinary stock of the Company in exchange for the whole amount of Midland Railway (Matlock)

A.D. 1870.

stock of the Company.

stock then held by him, shall from and after the thirtieth day of June or the thirty-first day of December, as the case may be, next after the giving of such notice, be and be deemed to be a holder of a sum of ordinary stock of the Company equal in amount to the sum of Midland Railway (Matlock) stock so held by him, and shall be entitled to the like amount of dividend, and may use, exercise, and enjoy all the powers, rights, and privileges (including the right of voting at meetings of the Company) which other holders of ordinary stock of the Company are from time to time entitled to, and can use, exercise, and enjoy.

Foregoing provision as to exchange of certificates to apply to substitution of ordinary stock.

51. The foregoing section of this Act providing for the exchange of certificates of Midland Railway (Matlock) stock for certificates of shares in the Matlock Company is hereby, mutatis mutandis, made applicable to and shall be observed in respect of the exchange of certificates of ordinary stock of the Company for certificates of Midland Railway (Matlock) stock.

Substituted stock of the Company to be upon the same trusts, &c.

52. The Midland Railway (Matlock) stock and the ordinary stock of the Company which may be issued in substitution therefor shall remain and be vested in the person or persons to whom it is issued, upon the same trusts, and subject to the same powers, provisions, declarations, agreements, charges, liens, and incumbrances as at the time of the issue thereof affect the shares in the Matlock Company or (as the case may be) the Midland Railway (Matlock) stock in substitution for which the Midland Railway (Matlock) stock or (as the case may be) the ordinary stock of the Company is issued, and so as to give effect to and not revoke any testamentary disposition of or affecting such shares of the Matlock Company or such Midland Railway (Matlock) stock.

Mortgage debt of Matlock Company to be payable by the Company.

53. As from the vesting period the Company shall be liable to pay and shall pay the interest thenceforth accruing on the mortgages of the Matlock Company (such mortgages not exceeding in the whole the sum of one hundred and nine thousand one hundred and twenty-eight pounds), and shall also be liable to pay and shall pay or renew or otherwise satisfy those mortgages when and as they become payable.

Issue of debenture stock for Matlock Company's mortgage debt.

54. The Company may at any time after the vesting period and from time to time create and issue debenture stock in their undertaking in exchange for or instead of the renewal of or in lieu of issuing mortgages of the Matlock Company.

Company may create and issue new stock

55. The Company may from time to time create and issue such an amount of Midland Railway (Matlock) stock and of ordinary stock respectively in their undertaking as may be required for giving

effect to the provisions of this Act with respect to the vesting in the Company of the undertaking of the Matlock Company. in their undertaking.

Power to London and North-western Railway Company to use portion of Matlock Railway.

56. When and so soon as the undertaking of the Matlock Company shall have become vested in the Company, and thenceforth, the North-western Company may for the purposes of their traffic of every description passing from or to their Cromford and High Peak line, pass over, work, and use with their engines and carriages of every description, and with their clerks, officers, and servants, that portion of the railway so vested (herein-after called the Matlock Railway) which lies between the station at Ambergate and the station at Matlock Bath, including those stations and all intermediate stations, and the watering places, booking offices, warehouses, wharves, sidings, works, and conveniences connected therewith.

Terms of user.

57. The tolls, rates, and charges to be paid by the North-western Company in respect of the running powers granted to them by the last preceding enactment shall be the mileage proportion (after deducting the usual clearing house terminals and a reasonable allowance for working expenses, to be settled by arbitration in case of difference) due to the Company of the through rates charged by the North-western Company, and also for the use of stations, wharves, warehouses, and other conveniences for goods traffic, such further sum as in case of difference shall be settled by arbitration: Provided always, that in case either Company shall give notice in writing to the other Company of their desire that the tolls, rates, and charges to be paid by the North-western Company in respect of the running powers aforesaid shall be settled by arbitration, the same shall from time to time be settled accordingly by an arbitrator to be agreed upon between the Company and the North-western Company, or in default of agreement to be appointed by the Board of Trade at the instance of either Company. Every decision of the arbitrator shall be binding and conclusive upon each of the two Companies, and the costs and expenses of the arbitration shall be paid as the arbitrator shall direct; and in case either of the Companies refuse or neglect to observe, perform, and conform to any award or decision under any such arbitration, the Company in default shall forfeit and pay to the other Company any sum or sums to be fixed by such award or decision, not exceeding fifty pounds for every such refusal or neglect, and not exceeding twenty pounds for every day during which such refusal or neglect shall continue.

Byelaws of Company to be observed.

58. The North-western Company in exercising the running powers aforesaid shall at all times observe the regulations and byelaws for the time being in force on the aforesaid portion of the

A.D. 1870.

Matlock Railway, so far as such byelaws shall be applicable to the North-western Company.

For protecting local traffic of Company.

59. In exercising the running powers aforesaid, the North-western Company shall not, unless with the previous consent in writing of the Company under their common seal, take up at any station upon the aforesaid portion of the Matlock Railway any passengers, parcels, animals, goods, minerals, or other article of traffic, and deliver the same at any other station upon that railway.

Tolls on traffic conveyed partly on the railway of the North-western Company and partly on the Matlock Railway.

60. During the exercise by the North-western Company of the running powers aforesaid, the railway of that Company and the aforesaid portion of the Matlock Railway shall for the purpose of determining the amount of the tolls and charges to be taken and demanded by the North-western Company in respect of traffic conveyed partly on the said portion of railway and partly on the railway of the North-western Company for a less distance than six miles, be considered as one railway; and in respect of such traffic tolls and charges may only be charged as for six miles; and in respect of passengers, for every mile or fraction of a mile beyond six miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond six miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the said portion of railway and partly on the railway of the North-western Company.

Providing for improved junction between railway of North-western Company and Matlock Railway.

61. And whereas it is expedient and the Company and the North-western Company have agreed that provision should be made for altering and improving the present junction of the North-western Company's Cromford and High Peak line with the Matlock Railway, so as to facilitate the running of the North-western Company's trains over the aforesaid portion of the Matlock Railway: Therefore the mode of effecting an improved junction between that portion of railway and the said Cromford and High Peak line shall be settled by Thomas Elliot Harrison, or him failing by some engineer to be agreed on by the two Companies, or failing such agreement by an engineer to be appointed on the application of either of the two Companies by the Board of Trade; and the Company shall not either directly or indirectly make or sanction any opposition to any application to Parliament made by the North-western Company for power to construct the junction so settled, but shall consent to the enactment of such provisions as may be proper and sufficient for authorising the making by the North-western Company of such junction, and the exercise by the North-western Company of the

powers conferred on them in respect thereof, and the working of their trains by means of such junction over the said portion of the Matlock Railway.

Provision as to closing of registers of holders of debenture stock.

62. The directors of the Company may close the registers of the holders of their debenture stock for any period not exceeding fourteen days previous to the thirtieth day of June and the thirty-first day of December in each year, or other the half-yearly days whereon the interest on their debenture stock is made payable, and may fix a day for the closing of the same, of which seven days notice at the least shall be given by advertisement in some newspaper published in London; and any transfer made during the time when the said registers are so closed shall, as between the Company and the party claiming under the same, but not otherwise, be considered as made subsequently to the thirtieth day of June and the thirty-first day of December, or other the half-yearly day for payment of interest as aforesaid in the particular year, as the case may be.

Power to raise additional money by creation of shares.

63. The Company from time to time may raise by the creation and issue of new shares such sums of money as they shall think necessary, not exceeding seven hundred and fifty thousand pounds, exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament, and the Company may create and issue such shares either wholly or partially as ordinary or wholly or partially as preferential shares as they may think fit.

Shares not to issue until one fifth paid up.

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

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

65. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares, 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, the Company may, if they think fit, raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by means of new shares.

As to amount and issue of new shares.

66. If at the time of the creation of new shares under this Act the then existing ordinary consolidated stock in the Company be at a premium or of greater actual value (according to the market price thereof in the city of London) than the nominal value thereof, such new shares shall be of such amounts (not other than an integral

A.D. 1870.

number of pounds sterling per share) as will allow the same to be conveniently apportioned among the then holders of all shares or stock in 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) in proportion to the number of shares or amount of stock held by them respectively, and such new shares may be either of one class or of different classes, and the directors of the Company may from time to time (but subject to the provisions of this Act) fix the amounts and times of payment of the calls on the new shares created under the powers of this Act, and every holder of shares or stock in the Company at the time of such creation as aforesaid (other than and except as aforesaid) shall in such proportion as aforesaid be entitled to an allotment of the new shares according to the provisions of this Act, and no holder of any shares or stock entitled to a fixed amount of dividend without further participation in the profits of the Company shall be entitled to any apportionment of any such new shares.

Votes in respect of new shares.

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

Shares of same class to have like privileges.

68. All new shares 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 or other disposition of new shares.

69. All new shares created under this Act shall vest in and belong to such of the then shareholders as shall accept the same and pay the first instalment thereon to the amount and at the time which shall be fixed by the directors and specified in the letter offering the new shares.

Shares not accepted may be disposed of by Company.

70. If any shareholder for one month after such offer of new shares fail to accept the same and pay the first instalment called for in respect thereof, then the Company may authorise the directors to dispose of the same in such manner as they may deem most for the advantage of the Company.

Qualifications of new shares.

71. Except as by or under the powers of this Act otherwise provided, all new shares 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, entitle the respective holders thereof 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 existing shares or stock of the Company (other than and except as aforesaid): Provided always, that, unless otherwise determined by the meeting sanctioning the new shares, no person shall be entitled to vote in respect of any of the new shares to which a fixed or preferential dividend or other special advantage shall be assigned.

Saving rights of existing preference shareholders.

72. 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.

Power to borrow on mortgage.

73. The Company may from time to time borrow on mortgage any sum not exceeding in the whole two hundred and fifty thousand pounds, in addition to the sums which they are or may be authorised to borrow by any other Act or Acts of Parliament, but no part thereof shall be borrowed until shares for the whole of the sum by this Act authorised to be raised by shares shall have been issued and accepted and one half of such sum shall have been 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 all the capital which the Company are by this Act authorised to raise by shares have been issued and accepted, and that one half of such capital 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 that such shares were issued bonâ fide and are held by the persons to whom the same were issued or their assigns, and that such persons or their assigns are legally liable for the same, and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

74. 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 principal or principal and interest, 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

75. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the

A.D. 1870.

to have priority.

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 have priority over any mortgages to be granted by virtue of this Act.

Application of moneys.

76. All moneys raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act and to the general purposes of the undertaking of the Company, and to no other purpose.

Company may apply corporate funds.

77. The Company may from time to time apply for or towards all or any of the purposes of this Act 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.

Interest not to be paid on calls paid up.

78. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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.

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

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

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

Expenses of Act.

81. 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1870.