CHAP. lxxxvi.

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 in relation to their own undertaking and the undertakings of other companies. [29th June 1871.] A.D. 1871.

WHEREAS it is expedient that the Midland Railway Company (herein-after called "the Company") should be empowered to construct certain branch and junction railways, to deviate and alter certain of their authorised railways, and to acquire for purposes connected with their undertaking certain additional lands:

And whereas it is expedient that the Company and the London and North-western Railway Company (in this Act called "the London and North-western Company") as joint owners of the Ashby and Nuneaton Railway should be empowered to acquire certain lands in connexion with that railway:

And whereas plans and sections showing the lines and levels of the before-mentioned railways and other works, and the lands which the Company and the Company and the London and North-western Company jointly 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:

And whereas it is expedient that the respective periods limited by the Midland Railway (Ashby and Nuneaton, &c.) Act, 1866, and the Midland and London and North-western Railway Companies (Ashby and Nuneaton Railway) Act, 1868, for the completion by the Company and the London and North-western Company

29 & 30 Vict. c. cccxv.
31 & 32 Vict. c. xlix.

A.D. 1871.

of the railways and works by those Acts respectively authorised should be extended:

And whereas by the Chesterfield and Brampton Railway Act, 1870, (in this Act called "the Chesterfield Act,") the Chesterfield and Brampton Railway Company (in this Act called "the Chesterfield Company") was incorporated, with power to make a railway from the Midland Railway at Chesterfield to Brampton, with branch railways or tramways connected therewith in the county of Derby:

And whereas the railway by the last-mentioned Act authorised to be constructed leads to an important coal district in the county of Derby, and it is of public advantage that the undertaking of the Chesterfield Company should be transferred to and vested in the Company, and worked and managed by them as part of their undertaking, and that they should be empowered to construct the said railway, and to exercise the other powers of the said Act:

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:

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, 1871.

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 London and North-western Company" means the London and North-western Railway Company:

The expression "the Chesterfield Company" means the Chesterfield and Brampton Railway Company:

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.

Definition of term "parish clerks."

4. In construing in connexion with this Act the Railways Clauses Consolidation Act, 1845, the term "parish clerks" in the last-mentioned Act shall, as regards those parishes or extra-parochial places in which by the standing orders of either House of Parliament plans, sections, and other documents are now required to be deposited with the vestry clerk, or with the clerk of the district board of works for the district in which the parish or extra-parochial place is included,

A.D. 1871. mean in the first case the vestry clerks of those parishes, and in the second case the clerks of those district boards.

Power to make railways according to deposited plans.

5. 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 and alterations of 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 relating thereto as may be required for that purpose. The railways herein-before referred to and authorised by this Act are,—

A railway (to be called "the Cricklewood South Junction") six and a half furlongs or thereabouts in length, commencing in the parish of Willesden in the county of Middlesex by a junction with the Midland and South-western Junction Railway, and terminating in the parish of Hendon in the same county by a junction with the main line of the Company's railway:

A railway (to be called "the Holme Wood Branch") seven furlongs or thereabouts in length, to be situate wholly in the parish of Ault Hucknall in the county of Derby, commencing by a junction with the Pilsley Branch Extension of the Company authorised by the Midland Railway (Additional Powers) Act, 1870, and terminating at or near and to the west of the Holme Wood Colliery:

A railway (to be called "the Unstone Coal Branch") seven furlongs or thereabouts in length, to be situate wholly in the township of Unstone in the parish of Dronfield in the county of Derby, commencing by a junction with the Company's Chesterfield and Sheffield Railway, and terminating in a field called Sotell adjoining and on the west side of the premises known as Red House:

A railway (to be called "the Masborough Goods Branch") four furlongs or thereabouts in length, to be situate wholly in the township of Kimberworth in the parish of Rotherham in the west riding of the county of York, commencing by a junction with the main line of the Company's railway from Derby to Leeds, and terminating in a field known as Tenter Meadow and near the Effingham Works:

A railway (to be called "the Ancoats Hall Branch") ten chains or thereabouts in length, to be situate wholly in the township and parish of Manchester in the city of Manchester in the county of Lancaster, commencing by a junction with the Com-

pany's line to Ancoats Street goods station, and terminating near to and on the eastern side of Ancoats Hall:

An alteration of and deviation in the line and levels of the railway now in course of construction, authorised by and firstly described in the Midland Railway (Settle to Carlisle) Act, 1866, (to be called "the Arten Gill Deviation,") one mile one furlong or thereabouts in length, to be wholly situate in the township of Dent in the parish of Sedbergh in the west riding of the county of York:

Another alteration of and deviation in the line and levels of the same railway (to be called "the Cow Gill Deviation") two miles four furlongs or thereabouts in length, to be wholly situate in the townships of Dent and Garsdale in the parish of Sedbergh in the west riding of the county of York:

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 Rail-"ways," 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.".

7 & 8 Vict. c. xviii.

9 & 10 Vict. c. cccxxvi.

For protection of Grand Junction Canal Company.

6. The Company shall not by virtue of this Act, or of any of the Acts wholly or partially incorporated with this Act, enter upon, take, or use temporarily or permanently any lands belonging to the Company of Proprietors of the Grand Junction Canal, or interfere with their canal, or the towing-path, banks, wharves, or bridges connected therewith or crossing the same, without the previous consent of the said Company of Proprietors signified in writing under their common seal.

As to crossing the Kilburn Turnpike Road.

7. Whereas it is intended to carry the Cricklewood South Junction Railway by means of a bridge over the Kilburn Turnpike Road: And whereas the said turnpike road is a road under the charge of the Commissioners of the Metropolis Turnpike Roads North of the Thames: Therefore it shall not be lawful for the Company to alter or in any way interfere with the lines or levels of the said road; and the Company shall make, and for ever thereafter keep, repair, and maintain the said bridge of a space wide enough to preserve the present width of the said turnpike road and footpaths, and not less wide than sixty feet measured on the square, and shall

A.D. 1871.

leave under the said bridge a clear headway of not less than sixteen feet over the said turnpike road and every part thereof, and over the footpaths and every part thereof of not less than eight feet; and the Company shall erect and place, and for ever thereafter keep, repair, and maintain, parapet walls of not less than six feet six inches in height at least from the level of the rails of the said railway on each side of the said railway, and also from the four ends of such parapet walls, screen fences, or close fences for one hundred and fifty feet in continuation of such parapet walls along both sides of the said railway, and shall set under the said bridge, and for one hundred feet on each side thereof, granite curbs at the edges of the footpaths by the side of the said road, and shall restore all drains that may be interfered with, or substitute others, so that the said road may be effectually drained to the satisfaction of the general surveyor to the said Commissioners, and the Company shall at their own expense do all the works aforesaid, whether of original construction or of maintenance, and provide all materials necessary for such works.

Notice to be given to the surveyor of the commencement of the works, who may require a temporary road.

8. It shall not be lawful for the Company to commence any works in any way interfering with the said turnpike road until ten days after the Company shall have given notice of their intention to commence such works, and shall have delivered plans and drawings of the same to the general surveyor to the said Commissioners, and shall have explained in writing to such general surveyor in what way the Company propose to carry on such works, and if the said general surveyor shall thereupon require a sufficient temporary road to be made by the Company instead of the road to be crossed, then the Company shall make and substitute such sufficient temporary road before they interfere with the existing road, and shall maintain the same until the restoration of the existing road, and be liable to the same penalties for failing to make, and after notice to maintain, such substituted road as is and are provided by the Railways Clauses Consolidation Act, 1845, with respect to substituted roads, and the failure to make the same, and unless such temporary road shall be required the Company shall, during the making of the said bridge, at all times keep open and uninterrupted for the traffic of the public a clear width of twenty feet of the present road and one footpath, and all necessary measures of precaution for the public safety during the progress of the works of the railway and bridge, including the fencing of the works, and lighting and watching the same, shall be adopted by and at the expense of the Company, and the Company shall save harmless the said Commissioners in respect of all accidents and damages which may happen by reason of the

said works of the Company, and the Company shall finish and complete all works, matters, and things connected with the bridge, and restore and give to the public the uninterrupted use of the same road and footpaths as aforesaid within six months from the day on which the same shall be first interfered with, and all such works shall be done under the superintendence from time to time and to the satisfaction of the said general surveyor, and the materials thereof shall be good and sufficient for the respective purposes for which such materials shall be used, and of such descriptions respectively as shall be approved of by the said general surveyor; and in case the Company shall fail to do, or to maintain and repair, any works according to the provisions herein-before contained, and the Company shall not, upon being by the said general surveyor required so to do, proceed forthwith to do or to repair such works to his satisfaction, then and in any of such cases it shall be lawful for the said general surveyor to cause all such works and repairs to be made and done as he in his discretion shall think fit, and all costs and expenses of such works and repairs shall be paid on demand by the Company, or in default of payment for twenty-one days after such demand may be recovered by the said Commissioners from the Company with full costs of suit by action in any court of competent jurisdiction.

Alterations may be made in the works with the consent of the Commissioners.

9. It shall be lawful for the said Commissioners and the Company to agree with each other for carrying of the said railway over the road in any other manner than is herein-before mentioned or provided for, and for the making, doing, and maintaining by the Company of all such works as may be necessary or expedient for the purposes aforesaid, and in case of any such agreement it shall not be binding on the Company to do such of the works, matters, and things required to be done by them as shall be by the said agreement expressly dispensed with by the said Commissioners.

Provision as to bridge over street in city of Manchester.

10. The bridge or covering over Palmerston Street, to be erected by the Company under this Act within the city of Manchester, shall be built in conformity with the following regulations; (that is to say,)

The Company shall erect a bridge with a minimum headway of not less than nineteen feet in any part of the roadway thereunder:

The piers or abutments and foundations shall in all cases extend and be made below the surface of the street to a depth sufficient to allow the said corporation to make and construct any sewers or watercourses, and to lay or deposit any main or other pipes

A.D. 1871.

which under or by virtue of any Act of Parliament the said corporation are authorised to lay down, construct, and deposit:

The inside face of the piers or abutments of such bridge shall be lineable with the buildings on each side of the street, and if there be no buildings then with the side of the street:

The parapets shall in every case be of such height from the level of the rails on each side of the bridge throughout the entire crossing of the street, and for such further extent in length at both ends beyond the opening of the arch and on each side of the railway, as shall be agreed upon between the corporation and the Company, or in case of disagreement determined by some arbitrator to be appointed by the Board of Trade:

Such bridge or covering shall be made and maintained drop dry at all times, and shall in all other respects be kept in complete repair.

Power to cross a certain road on the level.

11. 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 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 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.
7	Dronfield - - -	Public carriageroad.

Inclination of a certain road.

12. In altering for the purposes of this Act the road next herein-after mentioned, the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited plan.	Parish.	Description of road.	Intended inclination.
35	Dronfield -	Public carriageroad	1 in 17.

Lands for extraordinary purposes.

13. 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 five acres.

Period for completion of railways.

14. The Arten Gill Deviation and the Cow Gill Deviation Railways by this Act authorised shall be completed by the sixteenth day of July one thousand eight hundred and seventy-three, being the period limited by the Midland Railway (Additional Powers) Act, 1870, for the construction and completion of the railways authorised by the Midland Railway (Settle to Carlisle) Act, 1866; and the other railways by this Act authorised shall be completed within five years from the passing of this Act.

Imposing penalty unless railways opened.

15. If the Company fail, within the respective periods limited by this Act, to complete the railways by this Act authorised to be made, 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, 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.

16. 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

A.D. 1871.

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.

17. If the railways by this Act authorised 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.

Power to stop up portion of highway at Skipton Station.

18. The Company may stop up and discontinue as a public highway so much of the public highway leading from Skipton to Carlton in the west riding of the county of York, which crosses the Company's Leeds and Bradford Railway on the level at Skipton Station, as lies between the boundaries of the Company's property there; and all rights of way in or over the said portion of highway are hereby extinguished, as from the opening of the foot-bridge and road herein-after mentioned: Provided always, that the Company shall not stop up or discontinue the said portion of highway, unless and until they shall have provided a bridge over the railway at the present level crossing for the public use and convenience of foot passengers, with proper and convenient approaches to the platforms of the Skipton Passenger Station, which bridge and approaches they are hereby required thenceforth to repair and maintain: Provided also, that the Company shall not stop up or discontinue the said portion of highway unless and until they shall have made and opened for public use a road of the width of thirty feet, leading from and out of the Keighley and Kendal Turnpike Road at a point thereon one hundred and fifty yards or thereabouts north of the guide post at the road bridge across their railway south of the Skipton Station to and communicating with the said highway at the goods station, which road when opened for public use the Company are hereby required thenceforth to repair and maintain; and if at any time during the continuance of the present trust of the Keighley and Kendal Turnpike Road, any toll-gate or bar shall be

set up upon that portion of the said turnpike road which will lie between the commencement of the road so to be made by the Company and the said guide post, the Company shall and they are hereby required, within three months after the setting up of such toll-gate or bar, to extend the last-mentioned road from the commencement thereof above described to and communicating with the public road across the said road bridge, and to repair and maintain that extension in good condition until the expiration of the said trust.

Company to abandon portions of Settle and Carlisle Railway.

19. The Company shall abandon the construction of so much and such parts of the railway authorised by and firstly described in the Midland Railway (Settle to Carlisle) Act, 1866, as will become unnecessary by reason of the construction of the Arten Gill Deviation and the Cow Gill Deviation by this Act respectively authorised.

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

20. The abandonment by the Company under the authority of this Act of the before-mentioned portions of their Settle and Carlisle Railway 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 setting out 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 (Settle to Carlisle) Act, 1866, in relation to those portions of railway respectively.

Compensation to be made in respect of railway abandoned.

21. 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 either of the portions of 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 compen-

A.D. 1871.

sation 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 acquire additional lands for general purposes.

22. 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 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 parish of Saint Mary Newington in the county of Surrey, lying between Hanover Street and Amelia Street, and on both sides of and adjoining or near to the London, Chatham, and Dover Railway: Provided that if the Company require to take such of those lands and outhouses as belong to Charles Hammond, Esquire, they shall, unless the said Charles Hammond elect to the contrary, acquire and purchase such of the other lands and buildings belonging to him as lie westward of and adjoin the London, Chatham, and Dover Railway, including the arches thereunder demised by the London, Chatham, and Dover Railway Company to him, and the Company shall, or they shall not, as the said Charles Hammond may elect and determine, acquire and purchase the two dwelling-houses abutting on the Walworth Road belonging to him, and numbered respectively 2 and 3 on the deposited plans referred to in this Act, and the grounds appurtenant thereto, to the depth of one hundred and sixty-eight feet from the said road:

Certain lands and houses in the parish of Willesden in the county of Middlesex, lying on the west side of and adjoining or near to the Midland and South-western Junction Railway between the Harrow Road and Sawyer Lane:

Certain lands and houses in the parish of Acton in the county of Middlesex, lying on the west side of and adjoining the North and South-western Junction Railway and the Midland and South-western Junction Railway at the junction of those railways; and certain other lands and houses in the same parish lying on the east side of and adjoining the said Midland and South-western Junction Railway, between the said junction and the Grand Junction Canal; and certain other lands and houses in the same parish, lying on both sides of and adjoining the said canal and the last-mentioned railway, at the point

where that railway crosses the said canal: Provided always, that the Company shall not under the powers of this Act enter upon, take, or use any part of the lands numbered on the deposited plans 1 and 3 in the said parish of Acton, lying westward of the junction of the Midland and South-western Junction Railway with the North and South-western Junction Railway without the previous consent in writing of William Thomas King-Church, Richard John King-Church, and Edmund Lewis Hooper, or other the owners or owner for the time being of those lands: Provided also, that the Company shall not under the powers of this Act enter upon, take, or use any part of the lands numbered on the deposited plans 25 and 26 in the said parish of Acton without the previous consent in writing of the London and North-western Company under their common seal:

Certain lands and houses in the parish of Kettering in the county of Northampton, lying on both sides of and adjoining the Company's main line of railway at and to the southward of the Kettering Station:

Certain lands and houses in the parish of Rushton in the county of Northampton, lying on the southern and western sides of and adjoining the railway and station of the Company at Rushton:

Certain lands and houses in the parish of Loughborough in the county of Leicester, lying on the west side of and adjoining the Company's main line of railway near the Loughborough Station, and between the public road leading from Loughborough to Nottingham, and the public road leading from Loughborough to Stamford:

Certain lands and houses in the parish of Barrow-on-Soar in the county of Leicester, lying on the west side of and adjoining the Company's railway from Rugby to Derby, and partly to the south and partly to the north of the Barrow Station:

Certain lands and houses in the parish of Aston-juxta-Birmingham in the county of Warwick, lying on the west side of and adjoining the Company's Camp Hill passenger station, and also adjoining Highgate Lane and Montpelier Street; and certain other lands and houses in the same parish, lying on the north side of Montpelier Street, and on the west side of and adjoining the Company's railway there:

Certain lands and houses in the parish of Stapleford in the county of Nottingham, lying partly on the west and partly on the east sides of and adjoining the Company's Erewash Valley Railway, near and to the southward of the Sandiacre Station:

A.D. 1871.

Certain lands and houses in the township of Litchurch in the parish of Saint Peter, Derby, in the county of Derby, lying at the north-western corner of Nelson Street, Derby:

Certain lands and houses in the township and parish of Gargrave in the west riding of the county of York, lying on the north-east side of and adjoining the North-western Railway at and to the north-west of the Gargrave Station:

Certain lands and houses in the townships of Manningham and Heaton, or one of them, in the parish of Bradford and the township of Bolton in the parish of Calverley in the west riding of the county of York, lying on the east side of and adjoining the Company's Leeds and Bradford Railway at and to the northward of the Manningham Station:

Certain lands and houses in the out-parish of Saint Philip and Jacob in the city and county of Bristol, lying on the west side of and adjoining Barrow Lane, and between the Company's railway from Bristol to Gloucester and their branch to the Avon Street coal yard:

Certain lands and houses in the township of Ingleton in the parish of Bentham in the west riding of the county of York, lying between the Company's railway from Settle to Carlisle, now in course of construction, and the highway leading from Settle to Ingleton and Hawes, and to the south of the occupation road crossing the field numbered on the deposited plans referred to in the Midland Railway (Settle to Carlisle) Act, 1866, 1 in the township of Ingleton.

Power to Company and London and North-western Company to acquire lands for Ashby and Nuneaton Railway.

23. Subject to the provisions of this Act, the Company and the London and North-western Company jointly, or either of them with the consent of the other, may from time to time enter upon, take, and use, and appropriate to the purposes of their Ashby and Nuneaton Railway, 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 parish of Higham-on-the-Hill in the county of Leicester, lying on both sides of the Ashby and Nuneaton Railway, now in course of construction, and forming part of or adjoining the properties numbered on the deposited plans referred to in the Midland and London and North-western Railway Companies (Ashby and Nuneaton Railway) Act, 1868, 20, 21, 22, 25, and 26, in the parish of Higham-on-the-Hill.

Period for compulsory purchase of lands.

24. The powers granted by this Act for the compulsory purchase of lands and buildings shall not be exercised after the expiration of

the following periods; (that is to say,) As regards the lands and buildings required for the Arten Gill Deviation and the Cow Gill Deviation, one year from the passing of this Act; and as regards the lands and buildings required for the other railways by this Act authorised, and for other purposes in this Act mentioned, three years from the passing of this Act.

Notice to be given of taking houses of labouring classes.

25. 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.

Extension of time for completion of Ashby and Nuneaton Lines.

26. The respective periods limited by the Midland Railway (Ashby and Nuneaton, &c.) Act, 1866, and the Midland and London and North-western Railway Companies (Ashby and Nuneaton Railway) Act, 1868, for the construction and completion by the Company and the London and North-western Company of the railways and works by those Acts respectively authorised (which are herein-after referred to as "the Ashby and Nuneaton Lines"), are hereby extended for two years from the passing of this Act, and on the expiration of that period such powers shall cease, and section twenty-seven of the former Act, and sections thirty-four and thirty-five of the latter Act, shall be and the same respectively are hereby repealed.

Imposing penalty unless Ashby and Nuneaton Lines opened.

27. If the Company and the London and North-western Company fail within the period limited by this Act to complete the Ashby and Nuneaton Lines, the Company and the London and North-western 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 estimated cost of the Ashby and Nuneaton 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

A.D. 1871.

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 and the London and North-western Company were prevented from completing or opening the Ashby and Nuneaton 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 Ashby and Nuneaton Lines.

28. 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 Ashby and Nuneaton 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 and the London and North-western Company of taking property in respect of those lines, 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 and the London and North-western Company.

If Ashby and Nuneaton Lines not completed, powers to cease.

29. If the Ashby and Nuneaton 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 and the London and North-western 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.

Dissolution of Chesterfield Company, and

30. On the passing of this Act the Chesterfield Company shall be and the same is hereby dissolved, and the undertaking thereof shall be and the same is hereby transferred to and vested in the

Company, who may, in their own name and under their own seal, or under the hands of their directors, secretary, officers, and servants, exercise all the powers by the Chesterfield Act conferred upon or vested in the Chesterfield Company, except only the powers of raising money, which powers are by this Act repealed; and the dissolution, transfer, and vesting aforesaid shall be deemed an amalgamation within Part V. of the Railways Clauses Act, 1863, relating to amalgamation.

vesting of undertaking in Company.

31. The Company may raise moneys not exceeding the sum of ten thousand pounds (being the amount of the share capital authorised to be raised by the Chesterfield Act) by the creation and issue of new shares in their own undertaking, 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; and the Company may borrow on mortgage of their undertaking any moneys not exceeding three thousand three hundred pounds, being the amount which by the Chesterfield Act the Chesterfield Company were authorised to borrow.

Company may raise capital of Chesterfield Company.

32. If the railway of the Chesterfield Company is not completed and opened for public traffic within the time limited by the Chesterfield Act, 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 said 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 seven thousand pounds, the estimated cost of the 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 seventeen and eighteen Victoria, chapter thirty-one, 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 seventeen and eighteen Victoria, chapter thirty-one, to an account opened or 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 railway by unforeseen

Penalty on Company if Chesterfield Railway not completed.

A.D. 1871.

accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be deemed a circumstance beyond their control.

Providing for application of penalty in compensation to parties injured.

33. 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 abandoment of the railway authorised by the Chesterfield Act, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Chesterfield Company by that 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 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.

Release of Chesterfield Company's deposit.

34. In consideration of the liability of the Company to the penalties by this Act provided for, section twenty-six of the Chesterfield Act (relative to the deposit) is hereby repealed, and the Court of Chancery shall at any time after the passing of this Act, but without requiring the production of a certificate of the passing of the Chesterfield Act, order (according to the provisions of the Public General Act of the session of the ninth and tenth years of Her Majesty's reign, chapter twenty) the payment by the Accountant General of that court of the sum of three hundred and fifty pounds standing in his name in trust in the matter of an account entitled "Ex parte a projected undertaking proposed to be authorised by a "Bill to be cited as 'Chesterfield and Brampton Railway Bill'" to the Chesterfield Company, or to such person or persons as they may approve, and such money shall form no part of the property transferred to and vested in the Company under the powers of this Act.

Directors of Chesterfield Company to wind up affairs.

35. The directors of the Chesterfield Company who are in office at the passing of this Act, and the survivors or survivor of them, may, notwithstanding the dissolution of that Company, continue to

act and may take any proceedings necessary or proper for winding up the affairs of that Company, and distributing the assets thereof (if any).

Power to Midland Company to raise additional money by creation of shares.

36. The Company, in addition to the other moneys which they are by this Act authorised to raise by the creation of shares, 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 be issued until one fifth part thereof shall have been paid up.

37. 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.

38. 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.

39. 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 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

A.D. 1871.

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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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

45. 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.

preference shareholders.

46. The Company, in addition to the other moneys which they are by this Act authorised to borrow, 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 of the sums of forty-four thousand and sixty-six pounds, three thousand three hundred pounds, and two hundred and fifty thousand pounds respectively, shall be borrowed until in respect of the said sum of forty-four thousand and sixty-six pounds shares for the whole of the said sum of four hundred and seventy thousand pounds, and in respect of the said sum of three thousand three hundred pounds shares for the whole of the said sum of ten thousand pounds, and in respect of the said sum of two hundred and fifty thousand pounds shares for the whole of the said sum of seven hundred and fifty thousand pounds by this Act authorised to be raised by shares shall have been issued and accepted, and one half of such respective sum shall have 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 the respective capital which the Company are by this Act authorised to raise by shares have been issued and accepted, and that one half of such respective capital has been paid up, and that not less than one fifth part of the amount of each separate share in such respective 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 in reference to such respective capital has been given, which certificate shall be sufficient evidence thereof.

Power to borrow.

47. 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

For appointment of a receiver.

A.D. 1871.

whom the application for a receiver is made, shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

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

Application of moneys.

49. 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.

50. 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.

Power to London and North-western Company to apply corporate funds.

51. The London and North-western Company may from time to time apply for or towards the acquisition of the additional lands required for the purposes of the Ashby and Nuneaton Railway 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 liable.

Interest not to be paid on calls paid up.

52. 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.

53. 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

54. 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. of present and future general Acts.

55. 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. Expenses of Act.

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