CHAPTER cviii.

An Act for conferring additional powers on the Midland Railway Company for the construction of railways and other works, the acquisition of lands, and the raising of capital; and for other purposes. [3d July 1879.] A.D. 1879.

WHEREAS it is expedient that the Midland Railway Company (in this Act called "the Company") should be empowered to construct the new railways and other works in this Act mentioned, and also to make the new footpaths in this Act mentioned, and to stop up portions of existing footpaths, and also to acquire additional lands for extending their stations, sidings, warehouses, engine-sheds, workshops, coal depôts, and other works and conveniences for the accommodation of their traffic, and for other purposes connected with their undertaking:

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

And whereas it is expedient that the period limited by the Midland Railway (Additional Powers) Act, 1874, for the completion of the Kettering and Manton line by that Act authorised should be extended: 37 & 38 Vict. c. clx.

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

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And whereas it is expedient that further powers should be conferred upon the Company for the providing and holding by them of booking and receiving offices for goods and parcels, and for collecting, receiving, and booking goods, parcels, and other things:

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 also for the making and enlargement of stations, sidings, warehouses, engine-sheds, workshops, coal depôts, and other works and conveniences for the accommodation of the increased and increasing traffic on their railways, and for completing the purchase of lands and buildings for any of the above-mentioned purposes, and for providing additional plant and rolling stock, block and interlocking signals, and for the general purposes of their undertaking:

And whereas it is expedient that 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, 1879.

Incorporation of general Acts.

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

8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. — The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;

The Railways Clauses Consolidation Act, 1845;

32 & 33 Vict. c. 18. — Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act, 1863;

8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92. 8 & 9 Vict. c. 16. — 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 non-payment of calls;

The remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;
The consolidation of shares into stock;
The provision to be made for affording access to the special Act by all parties interested; and
Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863. 26 & 27 Vict. c. 118.

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

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall for the purposes of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Power to make new railways.

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

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

(1.) The Burton Branches, 1879:

No. 1 (one furlong in length), to be situate wholly in the township of Burton Extra, in the parish of Burton-upon-Trent, in the county of Stafford, commencing by a junction with the Company's Bond End Branch, and terminating in the yard of Messieurs Charrington and Company's brewery premises fronting to Wood Street:

No. 2 (six chains in length), to be situate wholly in the township of Burton-upon-Trent, in the same parish, commencing by a junction with the Company's branch to Messieurs Bass and Company's brewery, authorised by the Midland Railway (Additional Powers) Act, 1874, and terminating in the brewery premises belonging to and in the occupation of Mr. James Eadie, abutting upon Cross Street and Duke Street, at their junction:

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(2.) The Birmingham West Suburban Railway Improvement (two miles five chains and fifty links in length), to be situate wholly in the parish of Edgbaston, in the county of Warwick, commencing by a junction with the Company's Birmingham West Suburban Railway, at or near the bridge carrying New Bridge Street over that railway and the Worcester and Birmingham Canal, and terminating by a junction with the same railway at or near the bridge or culvert carrying the Bourn Brook under the said railway and canal.

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 Mid- " land, 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 Com- " panies with the Midland Railway Company": Provided nevertheless, that the provisions of section twenty-two (mode of rating the railway) of the Birmingham West Suburban Railway Act, 1871, shall extend and apply to the lands and hereditaments taken and used by the Company for the purposes of the Birmingham West Suburban Railway Improvement by this Act authorised, and to all buildings erected or to be erected on such lands, as if the Birmingham West Suburban Railway Improvement had been authorised by and formed part of the railway authorised by the Birmingham West Suburban Railway Act, 1871.

34 & 35 Vict. c. clxxv.

Power to cross certain roads 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, the Company may, in the construction of the Burton Branches, 1879, carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the roads next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
7	Burton-upon-Trent -	Public road called Wood Street.
3	Burton-upon-Trent -	Public road called Duke Street.

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Provided always, that the forty-seventh section of the Railways Clauses Consolidation Act, 1845, shall not apply to the crossing of roads on a level hereby authorised, but at the points at which the roads herein-before mentioned are so crossed on the level by the railway the Company shall erect and at all times maintain good and sufficient gates across the railway on each side of the roads, and shall employ proper persons to open and shut such gates, and shall use all signals requisite for safety at such crossings, and such gates shall be kept constantly closed across the railway, except during the time when engines or carriages passing along the railway shall have occasion to cross such roads, and the person intrusted with the care of such gates shall cause the same to be closed as soon as such engines and carriages shall have passed through the gates, under a penalty not exceeding forty shillings for any default therein.

Burton-upon-Trent Corporation to be deemed a gas company within meaning of 8 & 9 Vict. c. 20.

6. The provisions of the Railways Clauses Consolidation Act, 1845, relating to alteration of gas pipes and interference with gas supply by the Company, contained in sections 18, 19, 20, 21, 22, and 23 of that Act, shall for the purposes of this Act extend and apply to the mayor, aldermen, and burgesses of the borough of Burton-upon-Trent as if they were a gas company within the meaning of the same sections.

Protecting South Staffordshire Waterworks Company.

7. For the protection of the South Staffordshire Waterworks Company (in this section called the waterworks company) the following provisions shall be observed and have effect; that is to say,

(1.) If the Company, in constructing the Burton Branches, 1879, shall find it convenient to alter the level of the main, pipes, and works of the waterworks company laid in the streets in the town of Burton-upon-Trent called Duke Street, Wood Street, and Russell Street, which will be crossed on a level by the said Burton Branches, then and in that case they shall not do anything to impede the passage of water into or through the same mains, pipes, and works until they have delivered to the waterworks company plans and drawings of so much of the works as will affect the before-mentioned mains and pipes, with specifications in writing describing the proposed manner of executing the same works, and shall have obtained from the principal engineer of the waterworks company a certificate under his hand approving of such plans, specifications, and proposed manner of executing the said works, and the same shall be executed accordingly under the superintendence and to the reasonable satisfaction of such principal engineer,

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and in no other manner without the consent in writing of the waterworks company under its common seal: Provided that such engineer shall, within twenty-one days next after the delivery of such plans and specifications, signify his approval or disapproval thereof, and if disapproved the matter in question shall in such case be referred to and settled by arbitrators in manner herein-after mentioned: Provided also, that if such engineer shall not, within thirty days next after the delivery of such plans and specifications, signify his approval or disapproval thereof in writing as herein-before required, he shall be deemed to have approved thereof, and the Company may thereupon proceed with the works in the same way as if they had obtained the certificate of approval:

(2.) In case of any alteration to the existing mains and works, the Company shall bear and on demand pay to the waterworks company all costs and expenses they may sustain and be put to in such alteration and connecting the said altered main with their present main and works, and connecting and readjusting the service and other pipes and works of the waterworks company with the said altered main, and shall also pay and make compensation to the waterworks company for all loss they may sustain through loss of water or interference with their business, and indemnify them against all damages, penalties, and costs which may arise from interruption of supply, such sums, damages, and costs to be recoverable by the waterworks company in any court of competent jurisdiction:

(3.) In case of disagreement between the principal engineer of the waterworks company and the engineer of the Company as to the works to be done for the protection of the waterworks company, or as to the amount of costs and expenses or compensation to be paid to the waterworks company under this section, the same shall be settled as a competent engineer appointed, on the application of either party, by the President for the time being of the Institution of Civil Engineers shall direct or determine:

(4.) If any interruption in the supply of water by the waterworks company shall be occasioned by the Company, or by the acts, neglect, or default of any of their contractors, agents, workmen, or servants, or any person in the employ of them or any or either of them, (other than such interruption, if any, as shall be requisite for the due execution of the said

works, and for which payment and compensation is to be made as herein-before provided,) the Company shall forfeit and pay to the waterworks company a sum equal to and after the rate of ten pounds for every hour during which such interruption shall continue, and shall save harmless the waterworks company from all damages, penalties, and costs in respect of such interruption, such sum, damages, penalties, and costs to be recoverable by the waterworks company in any court of competent jurisdiction; and the expense of all repairs or renewals of the mains or pipes of the waterworks company, or any works in connexion therewith, which may at any time hereafter be rendered necessary by the acts or defaults of the Company, their contractors, agents, workmen, or servants, or any person in the employ of them or any or either of them, shall be borne and paid by the Company, and may be recovered against them by the waterworks company in manner herein-before mentioned:

(5.) The waterworks company shall at all times have full and free right of access to the railway, and to the lands of the Company in which the mains of the waterworks company shall be laid, for the purpose of inspecting, repairing, altering, or enlarging such mains, or for any similar purpose connected with or arising out of their undertaking:

(6.) Except as herein expressly provided, nothing in this Act shall be construed to extend to prejudice, diminish, alter, or take away any of the rights, powers, privileges, or authorities of or belonging to or vested in the waterworks company.

Protecting Corporation of Birmingham.

8. In the execution of the works and exercise of the powers by this Act authorised within the borough of Birmingham, or within the limits within which the mayor, aldermen, and burgesses of the borough of Birmingham (in this section called the corporation) are authorised to supply gas and water, the following provisions for the protection of the corporation shall have effect; (that is to say,)

(1.) The word "street" when used in this section shall include any street, road, highway, lane, bridge, passage, or place, and the footways thereof respectively:

(2.) The word "engineer" when used in this section shall, as regards any matter or thing done or to be done by the Company affecting any gas main, pipe, or apparatus of the corporation, mean the engineer of the gas department of the corporation within whose district such gas main, pipe,

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or apparatus shall be situate, and as regards any matter or thing done or to be done by the Company affecting any watercourse belonging to or from which the corporation are entitled to draw any supply of water, or any water main, pipe, or apparatus of the corporation, mean the engineer of the water department of the corporation, and any notice to be given to or plan to be deposited with either of such engineers shall be sufficiently given or deposited by being sent through the post addressed to such engineer, or left at the gas office or water office of the corporation, as the case may be :

(3.) The provisions of the Railways Clauses Consolidation Act, 1845, contained in the sections 18 to 23 inclusive shall, subject to the provisions of this Act, extend and apply to the water and gas mains, pipes, and apparatus of the corporation, and whenever in those sections the words "company" or "society" are used the same shall for all the purposes of this Act be held to extend to and include the corporation :

(4.) The Company shall not break up any street or interfere with any sewer, drain, or watercourse, or any gas or water main, pipe, or apparatus of the corporation until they shall have given to the town clerk three clear days notice in writing of their intention to commence the intended works, and a similar notice to the surveyor of the corporation, hereinafter called the borough surveyor, and if the same relate to any gas or water mains, pipes, or works, also to the engineer, accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Company so far as they affect the streets, sewers, drains, watercourses, gas and water mains, pipes, and apparatus proposed to be interfered with :

(5.) Where the surface of any street has been interfered with or disturbed by the Company in constructing the works or performing the operations by this Act authorised, the Company shall well and sufficiently and to the satisfaction of the borough surveyor restore the surface so interfered with or disturbed, and shall keep the same in efficient repair for one year from such restoration :

(6.) Whenever it may be necessary to interrupt or interfere with any existing sewer or drain, the Company shall, before interrupting or interfering with such existing sewer or drain, construct according to a plan to be reasonably

approved of by the borough surveyor another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be interrupted or interfered with, and such sewer or drain or substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be interrupted or interfered with, and in such manner as shall be reasonably approved by the borough surveyor:

(7.) If by reason of the execution of any of the powers of this Act the corporation shall necessarily incur any cost in laying or altering any sewer, drain, gas or water main, pipe, or apparatus, the Company shall repay to the corporation such additional cost, which shall be a debt due from the Company to the corporation and be recoverable accordingly:

(8.) If by reason of the execution of any of the powers of this Act any increased length of sewers, drains, gas or water mains or pipes, or any additional apparatus shall become necessary, the same shall be forthwith constructed and laid by the Company upon such plan and in such manner as shall be approved of by the borough surveyor or engineer, as the case may be:

(9.) The corporation may at their own cost from time to time lay any sewer or drain, gas or water main or pipe across the railway or work by this Act authorised, and for those purposes, or for the necessary repair or inspection of the same, and for making connexions and communications therewith, may break up the soil or surface of the railway or work, but all works done by the corporation by virtue of the power hereby conferred shall be done under the superintendence and to the reasonable satisfaction, and according to such plans, in such manner, and at such times only as shall be reasonably approved by the engineer of the Company, and shall also be so done as not to interrupt the traffic passing on the railway:

(10.) The corporation will bear and on demand pay to the Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the railway with reference to and during the construction of any such sewer or drain, gas or water main or pipe as aforesaid, and for preventing as far as may be all interference, obstruction, danger, and accident which may arise from any of the operations of the corporation, or

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from acts or defaults of their contractors, or of any person or persons in their employment, or otherwise:

(11.) The corporation shall at all times maintain the sewers and drains, gas and water mains and pipes so to be constructed by them in substantial repair and good order to the reasonable satisfaction in all respects of the engineer of the Company, and if and whenever the corporation fail so to do the Company may make and execute such repairs, and the corporation shall repay the cost, which shall be a debt due from the corporation to the Company and be recoverable accordingly:

(12.) All bridges intended to carry the railway over streets within the borough shall also be constructed according to plans to be reasonably approved by the borough surveyor:

(13.) The corporation and the Company may enter into agreements for any variation in the works to be done under this section or in the mode of executing the same:

(14.) Any difference which may arise between the corporation and the Company as to the true intent and meaning of any of the provisions of this Act relating to works to be executed and powers to be exercised in the borough or limits aforesaid, or as to the mode of giving effect thereto, shall be determined in the manner prescribed by the Railways Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

Protecting Edgbaston estate.

9. In the exercise of the powers by this Act granted with respect to the Birmingham West Suburban Railway Improvement the Company shall be subject to the following restrictions and provisions for the protection of Lord Calthorpe and his successors in title (herein-after referred to as "the owner of the Edgbaston estate"):

(1.) The Company shall not establish any goods station or goods wharf or sorting sidings in the parish of Edgbaston upon or adjoining the Birmingham West Suburban Railway as now existing or as by this Act authorised (herein-after designated "the Suburban Railway"(:

(2.) No houses (other than station houses), no stationary or other engines, buildings, or any other erection (except such as may be necessary for working the Suburban Railway), shall be erected at any time upon or adjoining the Suburban Railway within the parish of Edgbaston without the permission in writing of the owner of the Edgbaston estate, and any buildings which may be erected consistently with this enactment shall be built according to plans and

elevations to be approved by the owner of the Edgbaston estate :

(3.) Between New Bridge Street and the piece of land numbered 56 on the deposited plans the Company shall execute the works so as to have only a double line of railway without any siding ; between the piece of land numbered 56 and the southern boundary of the parish of Edgbaston the Company shall execute the works so as to have only a double line of railway, with such sidings as may from time to time be required for passenger traffic, and any such sidings shall be subject to the following restrictions :

(a.) They shall only be used for passenger traffic :

(b.) So far as they are in connexion with the Somerset Road Station they shall be constructed upon the east side of the Suburban Railway only :

(4.) No engines, trucks, waggons, carriages, nor any coal, grain, timber, manure, or other merchandise, shall be stored by the Company in the parish of Edgbaston upon or adjoining the Suburban Railway without the consent in writing of the owner of the Edgbaston estate :

(5.) When and so soon as bridges shall have been built under the canal from Birmingham to Worcester, where the same adjoins the pieces of land numbered 71, 54, and 28 on the deposited plans, the Company shall at their own expense build under the Suburban Railway bridges in continuation of such bridges under the said canal, and of the width of forty-two feet, or such other less width as the mayor, aldermen, and burgesses of the borough of Birmingham (in this section called "the Corporation of Birmingham") may require, so as to afford to the owner of the Edgbaston estate the means of making communications by road between the lands on either side of the railway and canal :

(6.) The Company shall build over the Suburban Railway and the said canal a bridge not less than forty-two feet wide at or near to the piece of land numbered 67 on the deposited plans :

(7.) When and so soon as the public road called Pritchatt's Lane, numbered 63 on the deposited plans, shall have been widened for a distance of one hundred yards on each or either side of the said railway to the width of forty-two feet, or to such other less width as the Corporation of Birmingham may approve, the Company shall at their own expense build a bridge of a corresponding width (but not

exceeding forty-two feet) over the Suburban Railway, and the Company shall, if required by the Corporation of Birmingham so to do, concur with them in widening to a corresponding width the bridge carrying Pritchatt's Lane over the said canal:

(8.) The Company shall at their own expense build a bridge of the width of not less than forty-two feet to carry Somerset Road, numbered 59 on the deposited plans, over the Suburban Railway, and shall, if required by the Corporation of Birmingham so to do, concur with them in widening to a corresponding extent the bridge carrying Somerset Road over the said canal. The fences or parapet walls on each side of the before-mentioned bridges for carrying roads over the Suburban Railway shall be of not less height than six feet:

(9.) Subject to the provisions of the Lands Clauses Consolidation Act, 1845, the Company shall not sell as superfluous land any land acquired by them for the Suburban Railway without in the first place offering the same to the owner of the Edgbaston estate in manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands:

(10.) Nothing in this section contained shall prejudice or affect any of the rights, powers, or privileges of the owner of the Edgbaston estate under any of the general Acts relating to railways.

Property of Sharpness New Docks, &c. Company not to be taken without consent.

10. Nothing in this Act contained shall authorise the Company to acquire or use any of the lands or premises of the Sharpness New Docks and Gloucester and Birmingham Navigation Company without the consent of that company in writing under their common seal.

Indemnifying Sharpness New Docks, &c. Company for damage, &c.

11. The Company shall make good to and indemnify the Sharpness New Docks and Gloucester and Birmingham Navigation Company from any structural damage which the construction, working, or repair of the Birmingham West Suburban Railway Improvement by this Act authorised may at any time hereafter occasion to the Worcester and Birmingham Canal, and also to and from any payments or compensation the said navigation company may have to make to third parties in consequence or arising out of such damage, together with the cost the said navigation company may incur in respect thereof.

Protecting J. H. Chamberlain.

12. In executing the Birmingham West Suburban Railway Improvement and the works connected therewith the Company shall

not enter upon, take, use, or otherwise interfere with the property numbered on the deposited plans relating thereto 60, in the parish of Edgbaston, without the previous consent in writing of John Henry Chamberlain or his successors in title.

Protecting William Rickman King.

13. In executing the Birmingham West Suburban Railway Improvement and the works connected therewith the Company shall not enter upon, take, use, or otherwise interfere with the property numbered on the deposited plans relating thereto 60b, in the parish of Edgbaston, without the previous consent in writing of William Rickman King or his successors in title.

Protecting London and North-western Railway Company.

14. Section 8 (running powers to London and North-western Railway Company over the new railways at Burton) and section 9 (London and North-western Railway Company may provide stations, &c. on the new railways at Burton) of the Midland Railway (Additional Powers) Act, 1878, shall extend and apply to the Burton Branches, 1879, as fully and effectually as if those sections had been re-enacted in this Act in reference thereto.

41 & 42 Vict. c. xcvi.

Period for completion of railways.

15. The railways by this Act authorised shall be completed within the period of five years from the passing of this Act, and if not so completed, then on the expiration of that period the powers by this Act granted to the Company for making and completing the respective railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as is then completed.

Penalty unless railways opened within specified time.

16. If the Company fail within the period limited by this Act to complete the Burton Branches, 1879, or the Birmingham West Suburban Railway Improvement, they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways or railway in respect of which the penalty has been incurred are or 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 railways or railway in respect of which the penalty has been incurred.

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railways in reference to which the penalty has been incurred in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. cap. 31., known as the Railway and Canal Traffic Act, 1854.

Every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge

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as is specified in the said third section of the Act 17 & 18 Vict. cap. 31., to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General, on behalf of the Chancery Division of the High Court of Justice, in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as herein-after provided.

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

Application of penalty.

17. 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 railways or railway in respect of which the penalty has been incurred, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railways or 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 said Chancery Division may seem fit.

If no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid 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 either be forfeited to Her Majesty, and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Power to execute new works.

18. Subject to the provisions of this Act, the Company may, in the lines shown on the deposited plans relating thereto, and according to the levels shown on the deposited sections relating thereto, make and maintain the alteration or deviation of railway and widening of bridge 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 those purposes; (that is to say,)

(1.) They may make and maintain an alteration or deviation in the line and levels of the Company's Nottingham and Lincoln line, commencing in the parish of Sneinton, in the county of Nottingham, and terminating in the parish of Colwick, in the same county:

(2.) They may widen to the extent of thirty-five feet or thereabouts on the southern side thereof the bridge carrying their Nottingham and Lincoln Railway over the Nottingham Canal, in the parish of Saint Mary Nottingham, in the town and county of the town of Nottingham.

Protecting Great Northern Railway.

19. In constructing and maintaining the bridge over the Nottingham Canal and towing-path belonging to the Great Northern Railway Company, the Company shall be subject to the following conditions, viz.:

(1.) The bridge shall be executed at the expense of the Company, under the superintendence and to the satisfaction of the principal engineer of the Great Northern Railway Company, and according to plans, sections, and specifications to be previously submitted to such engineer and approved by him in writing; provided that if such engineer shall not have expressed his approval or disapproval of the said plans, sections, and specifications within one month after the same shall have been submitted to him, he shall be deemed to have approved thereof:

(2.) The bridge shall be constructed and maintained so that the traffic upon the canal and towing-path shall not be in anywise impeded or interfered with, and such maintenance shall be effected under the superintendence and to the satisfaction of the engineer of the Great Northern Railway Company and in all things at the expense of the Company:

(3.) If by reason of the construction or maintenance of the bridge, or the failure of the bridge or of the maintenance thereof, or otherwise, the canal and towing-path or the works

connected therewith shall be injured, or the traffic thereon impeded, the Company shall compensate the Great Northern Railway Company for all costs to which that company may be put in repairing the said damage, and shall also pay by way of liquidated damages to the Great Northern Railway Company ten pounds for every day during which such traffic shall be impeded :

(4.) The Company shall also indemnify the Great Northern Railway Company for any damage or compensation which may be recovered against them by reason of the interruption of the traffic on the said canal, or by reason of any accident on the said canal, which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors, or their respective servants and workmen :

(5.) The Company shall not acquire any estate or interest in the lands and property of the Great Northern Railway Company other than an easement or right of constructing or maintaining the said bridge :

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

Protecting Corporation of Nottingham with regard to new works.

20. For the protection of the mayor, aldermen, and burgesses of the borough of Nottingham, the Company, in diverting the public road called the Colwick Road, in the borough of Nottingham, for the purpose of the intended alteration or deviation of railway, shall, notwithstanding anything shown on the deposited plans and sections, make the new or diverted road not less than thirty feet wide throughout.

Power to make new roads and footpaths and stop up others.

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

(1.) They may make a new footpath to be situate wholly in the township and parish of Wolverhampton, in the county of Stafford, commencing by a junction with Sun Street at the western end of Lower Sun Street, and terminating by a

junction with Freeman Street at the western end of that street: Provided always, that, unless otherwise agreed between the Company and the Great Western Railway Company, the said footpath shall be carried by a lattice bridge of not less than sixty feet span and fifteen feet high over the siding to be constructed by the Company for the Great Western Railway Company pursuant to section 23 of the Midland Railway (New Works, &c.) Act, 1877, at the place and in the manner shown on a plan signed in duplicate by John Underwood and William Douglas Robotham, one part whereof is deposited with the secretary of the Company and the other with the secretary of the Great Western Railway Company, and the said siding and footpath shall, unless otherwise agreed as aforesaid, be constructed in the manner and according to the lines respectively shown on the said plan:

40 & 41 Vict. c. lii.

The said new footpath shall be at least ten feet clear in width throughout, and paved throughout with blue paving bricks similar to those used by the Corporation of Wolverhampton for paving footpaths. It shall be made from the commencement to the eastern side of the lattice bridge herein-before described level, and thence to the termination with an inclination not steeper in any part than one in thirty, except upon the eastern approach to the bridge carrying it under the Company's railway, where the inclination shall not be steeper than one in eighteen. It shall be constructed in manner aforesaid and properly drained to the reasonable satisfaction of the borough surveyor for the time being of the borough of Wolverhampton:

When and so soon as the new footpath is completed and opened to the public the Company may stop up and discontinue as public highways—

(A.) The existing footpath between Lower Sun Street and the western end of Freeman Street;

(B.) Lower Sun Street, from its junction with Sun Street to its easterly termination; and

(C.) The footpath in continuation of Lower Sun Street to New Sun Street:

The Company may and shall abandon the construction of the new footpath in the township and parish of Wolverhampton authorised by the Midland Railway (New Works, &c.) Act, 1877, and the new footpath authorised by this Act shall for all the purposes of section twenty-three of that Act be substituted for the footpath so abandoned:

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(2.) They may make a new bridle road, occupation road, and footpath, to be situate wholly in the parish of Radford, in the county of Nottingham, commencing by a junction with the road and public footpath which crosses the Company's Nottingham and Mansfield Railway thirty chains or thereabouts, measured in a northerly direction, from the booking office of the Radford Station, at a point thereon six chains or thereabouts north-west of the said level crossing, and terminating by a junction with the same road and public footpath at a point thereon six chains or thereabouts north-west of the same level crossing:

When and so soon as the new road and footpath are completed and (so far as the same are public highways) opened to the public, the Company may stop up and discontinue so much of the said existing road and public footpath as lies between the points of commencement and termination of the new road and footpath:

(3.) They may make a new footpath, to be situate wholly in the parish or extra-parochial place of Barford and the parish of Glendon, in the county of Northampton, commencing in the said parish or extra-parochial place of Barford by a junction with the footpath which crosses the Company's main line of railway ten chains or thereabouts south of the Glendon signal box, at or near the west end of such crossing, and terminating in the said parish of Glendon by a junction with the public road from Rothwell to Kettering, at or near the west end of the bridge carrying the said road over the said railway:

When and so soon as the new footpath is completed and opened to the public, the Company may stop up and discontinue as a public thoroughfare so much of the said existing footpath as lies between the point of commencement of the new footpath and its point of junction with the said public road.

As to repair of new footpaths, &c.

22. The new footpaths and bridle road by this Act authorised to be constructed shall, when completed, be substituted for the portions of the existing footpaths and road by this Act authorised to be stopped up, and shall thenceforth have all the incidents, including the repair and maintenance thereof, which the said portions of footpaths and road would have had if this Act had not been passed.

Provided always, that if any question shall arise between the Company and the trustees or other authority having the management of the said footpaths and road as to the due completion of

the new footpaths and road respectively, 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 of the due completion of the new footpaths or road shall be conclusive evidence of the fact so certified.

Power to Company to acquire additional lands.

23. Subject to the provisions of this Act, and in addition to the other lands, houses, and buildings which the Company are by this Act authorised to acquire, the Company may from time to time enter upon, take, use, and appropriate to the purposes of extending the station, siding, warehouse, coal wharf, depôt, mineral, goods, and other accommodation of the Company, the lands, houses, and buildings herein-after described or referred to, delineated on the deposited plans and described in the deposited books of reference relating thereto; (that is to say,)

Certain lands, houses, and buildings situate in the parish of Kirkland, in the county of Cumberland, and on the north-east side of and adjoining the Company's Settle and Carlisle Railway, near the distance post on that railway marked "$50\frac{3}{4}$":

Certain lands, houses, and buildings situate in the said parish of Kirkland, on the south-west side of and adjoining the Company's Settle and Carlisle Railway, near the level crossing thereof by the public road from Culgaith to Millrig:

Certain lands, houses, and buildings situate in the parish of Radford, in the county of Nottingham, on the west side of and adjoining the Company's Nottingham and Mansfield Railway, near the Radford Station thereon:

Certain lands, houses, and buildings situate in the parish of Melton Mowbray, in the county of Leicester, on the north side of and adjoining the Company's Syston and Peterborough Railway, near the Melton Station thereon:

Certain lands, houses, and buildings situate in the parish of Sutton Coldfield, in the county of Warwick, on the north side of and adjoining the Company's Walsall Extension Railway, near its eastern entrance into Sutton Park:

Certain lands, houses, and buildings situate in the parish of Birmingham, in the county of Warwick, fronting to and on the west side of Fordrough Street:

Certain lands situate in the parish of Willesden, in the county of Middlesex, on the north-west side of and adjoining the Company's railway from Brent to Acton, near the Dudding Hill Station thereon, and distinguished by the colour pink upon a

plan signed by the Right Honourable William Nathaniel Massey, the Chairman of the Committee of the House of Commons to whom this Act was as a Bill referred.

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

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

Therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, unless the jury or the arbitrators, or their umpire, to whom the question of disputed compensation shall be submitted, shall determine that such portions cannot be severed from the remainder of such properties without material detriment thereto, the owners of and persons interested in the lands, buildings, or manufactories described in the First Schedule to this Act, and whereof parts only are required for the purposes of this Act, may be required to sell and convey to the Company the portions only of the properties so required, without the Company being obliged or compellable to purchase the whole or any greater portion thereof, the Company paying for the portions required by them, and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise.

Period for compulsory purchase of lands.

25. The powers granted to the Company 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.

Power to take easements, &c. by agreement.

26. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege (not being an easement of water), required for the purposes of this Act, in, over, or affecting lands, and the provisions of the Lands Clauses Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, rights, and privileges as aforesaid respectively.

Extending time for completion of Kettering and Manton line.

27. The time limited by the Midland Railway (Additional Powers) Act, 1874, for the completion of the Kettering and Manton line by that Act authorised, and the works connected therewith, is hereby extended for the period of two years from the thirtieth

day of July one thousand eight hundred and seventy-nine, and section fifteen of that Act, so far as the same relates to the said line, shall be read and construed as if the period by this Act limited for the completion of the same had been the period limited by the said Act of 1874.

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

Extending time for sale of certain superfluous lands.

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

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

Powers to Company as to collection and delivery of goods.

29. The Company may from time to time purchase by agreement or take on lease or otherwise provide, and may establish and hold, booking and receiving offices and other premises for the collection, reception, and booking of goods, parcels, and other matters and things delivered to them for the purpose of being carried upon or over their railway, and may collect, receive, book, and invoice any such goods, parcels, and other matters and things:

And the Company may make and carry into effect contracts or agreements with any other railway company or companies with regard to the collection, reception, booking, or invoicing of any goods, parcels, and other matters and things intended to be carried upon or over the railways of the respective companies so contracting, or any or either of them: Provided always, that with

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reference to any of such contracts or agreements no company shall give any undue preference to themselves or to any other company or to any person.

31 & 32 Vict. c. 119.

The provisions of section 17 of the Regulation of Railways Act, 1868, shall extend to any application in writing made to the Company by any person interested in the carriage of the goods in respect of which such application is made, whether such goods have been or are intended to be carried on the railway; and in any account rendered by the Company under the last-mentioned Act or this section, any charge made for terminal services shall be so stated as to distinguish the proportions thereof due to collection and delivery respectively.

If the Company shall fail to comply with the provisions of this section they shall be liable to the same penalties as are incurred upon a failure to comply with the provisions of section 14 of the

36 & 37 Vict. c. 48.

Railway and Canal Traffic Act, 1873.

31 & 32 Vict. c. 110.

Nothing in this section shall be deemed to extend the privilege to which the Company is entitled under the Telegraph Act, 1868, of having messages of the Company in any way relating to the business of the Company transmitted by Her Majesty's Postmaster General free of charge, nor to prejudice any right of the Company or of the Postmaster General in respect of such privilege.

Company may raise additional money by creation of shares or stock.

30. The Company may from time to time raise by the creation and issue of new shares or stock such sums of money as they shall think necessary, not exceeding nine hundred 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 or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock, as they may think fit.

Shares not to issue until one-fifth part paid up.

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

As to amount and issue of new shares or stock.

32. If at the time of the creation of new shares or stock 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 may be of such amounts (not other than an integral number of pounds sterling per share) or such new stock may be so divided 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 or stock may be either of one class or of different classes. 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, unless the Company shall at the time of the creation of the new shares or stock otherwise determine, 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 or stock according to the provisions of this Act, and upon such terms and conditions as the Company shall determine at the time of the creation of the new shares or stock; but 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 or stock.

Votes in respect of new shares or stock.

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

Shares or stock of same class to have like privileges.

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

Vesting of new shares or stock.

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

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

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

Dividends, &c. on new shares or stock.

37. Except as by or under the powers of this Act otherwise provided, all new shares or stock issued under the powers of this Act

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

Saving rights of existing preference shareholders.

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

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

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

Power to borrow on mortgage.

40. The Company may, in respect of the additional capital of nine hundred thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage for the purposes of this Act, and for the general purposes of their undertaking, any sum not exceeding in the whole three hundred thousand pounds:

But no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half thereof has been paid up, and

that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock (as the case may be) were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said capital is raised by means of shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same.

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

Appointment of receiver.

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

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

Priority of existing mortgages.

42. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall, during the continuance of such mortgages and bonds, and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted, have priority over any mortgages to be granted by virtue of this Act, and nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Company may create

43. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863;

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debenture stock.

but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

44. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied to the purposes of this Act and to the general purposes of the undertaking of the Company to which capital is properly applicable, and to no other purpose.

Company may apply corporate funds to purposes of this Act.

45. 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.

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

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

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

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

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

Expenses of Act.

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

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

Describing Lands, Buildings, and Manufactories of which Portions only are required to be taken.

Township and Parish.	Numbers on deposited Plans.
Township of Burton Extra in the parish of Burton-upon-Trent.	2, 8, 9, 10, and 11.
Township of Burton-upon-Trent in same parish.	15 and 16.

SECOND SCHEDULE.

Superfluous Lands.

Parish.	County.
MIDLAND RAILWAY (NEW LINES AND ADDITIONAL POWERS) ACT, 1864.	
Normanton - - - -	Derby.
Osmaston - - - -	Derby.
Sinfin Moor (extra-parochial place of)	Derby.
Saint Michael Derby - -	Derby.
Chellaston - - - -	Derby.
Swarkestone - - - -	Derby.
Weston-upon-Trent - - -	Derby.
Melbourne - - - -	Derby.
Breedon-on-the-Hill - - -	Leicester.
Wath-upon-Dearne - - -	York, West Riding.
Darfield - - - -	York, West Riding.
Silkstone - - - -	York, West Riding.
Teversall - - - -	Nottingham.
Sutton-in-Ashfield - - -	Nottingham.
Burton-on-Trent - - -	Stafford.
Saint Pancras - - -	Middlesex.
Saint John Hampstead - -	Middlesex.
Saint Peter - - - -	Hertford.
Sandridge - - - -	Hertford.
Harpenden - - - -	Hertford.
Saint Stephen - - -	Hertford.
Luton - - - -	Bedford.
Toddington - - - -	Bedford.
Sundon - - - -	Bedford.
Harlington - - - -	Bedford.
Westoning - - - -	Bedford.
Flitton - - - -	Bedford.

Parish.	County.
MIDLAND RAILWAY (NEW LINES AND ADDITIONAL POWERS) ACT, 1864—*continued.*	
Flitwick - - - -	Bedford.
Steppingley - - - -	Bedford.
Ampthill - - - -	Bedford.
Millbrook - - - -	Bedford.
Marston Moretaine - - -	Bedford.
Wootton - - - -	Bedford.
Houghton Conquest - - -	Bedford.
Kempston - - - -	Bedford.
Elstow - - - -	Bedford.
Saint Mary Bedford - - -	Bedford.
Saint Paul Bedford - - -	Bedford.
MIDLAND RAILWAY (CHESTERFIELD TO SHEFFIELD) ACT, 1864.	
Chesterfield - - - -	Derby.
Whittington - - - -	Derby.
Dronfield - - - -	Derby.
Norton - - - -	Derby.
Beauchief Abbey (extra-parochial place of) - - - -	Derby.
Sheffield - - - -	York (West Riding).
MIDLAND RAILWAY (ST. PANCRAS BRANCH) ACT, 1864.	
Saint Pancras - - -	Middlesex.
MIDLAND RAILWAY (BATH AND THORNBURY LINES) ACT, 1864.	
Mangotsfield - - - -	Gloucester.
Pucklechurch - - -	Gloucester.
Siston - - - -	Gloucester.
Bitton - - - -	Gloucester.
Yate - - - - -	Gloucester.
Iron Acton - - - -	Gloucester.
Frampton Cottrell - - -	Gloucester.
Rangeworthy - - -	Gloucester.
Tytherington - - - -	Gloucester.
Alveston - - - -	Gloucester.
Thornbury - - - -	Gloucester.
Saltford - - - -	Somerset.
Kelston - - - -	Somerset.
Newton Saint Loe - - -	Somerset.
Weston - - - -	Somerset.
Twerton - - - -	Somerset.
Lyncombe and Widcombe - -	Somerset.
Walcot - - - -	Somerset.

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