CHAPTER cxxx.

A.D. 1882.

An Act for conferring additional powers upon the Midland Railway Company for the construction of railways and other works and the acquisition of lands: for vesting in the Company the undertaking of the Evesham and Redditch Railway Company: for raising further capital: and for other purposes. [12th July 1882.]

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

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

(Deposit of plans.)

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

(Superfluous lands.)

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

(Evesham and Redditch Railway vesting.)

And whereas the railway of the Evesham and Redditch Railway Company is under the authority of Parliament worked by the Company and it is expedient that the undertaking of that company should be transferred to and vested in the Company:

A.D. 1882.

(Additional capital.)

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of the railways and works by this Act authorised and 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 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 1882.

Incorporation of general Acts.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 20.
26 & 27 Vict. c. 92.
8 & 9 Vict. c. 16.

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) 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 remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;

The consolidation of shares into stock; and

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

26 & 27 Vict. c. 118.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the railway" or "the railways" means the new railways by this Act authorised;

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

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 hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto as may be required for that purpose:

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

(1) The Snydale branches:

No. 1 (three miles two furlongs five chains and twenty links in length) commencing in the township of Warmfield-cum-Heath in the parish of Warmfield in the West Riding of the county of York by a junction with the Company's main line of railway and terminating in the township of Ackton in the parish of Featherstone by a junction with the colliery sidings of Messieurs Henry Briggs Son and Company Limited;

No. 2 (one mile five furlongs in length) commencing in the township of Snydale in the parish of Normanton in the said West Riding by a junction with the lastly described railway No. 1 and terminating in the township and parish

A.D. 1882.

of Featherstone in the said West Riding in a field belonging to George Bradley abutting upon and on the south side of Featherstone Common Lane;

(Stroud Branch Deviation).

(2) The Stroud Branch Deviation (three furlongs and fifty links in length) commencing in the parish of Rodborough in the county of Gloucester by a junction with the Company's Stroud Branch authorised by the Midland Railway (Additional Powers) Act 1880 and terminating in the parish of Stroud in the same county at a point in the reservoir of the Wallbridge Mill;

43 & 44 Vict. c. cxlvi.

(Keighley Widening.)

(3) The Keighley Widening (six furlongs two chains and fifty links in length) situate wholly in the parish of Keighley in the West Riding of the county of York commencing by a junction with the Company's Keighley and Worth Valley Railway and terminating by a junction with the Company's main line of railway near the Keighley station;

(Swansea Vale Widening.)

(4) The Swansea Vale Widening (eleven miles six furlongs four chains and fifty links in length) commencing in the township of Llansamlet Lower in the parish of Llansamlet in the county of Glamorgan by a junction with the Company's Swansea Vale Railway and terminating in the parish of Llangiwg in the same county by a junction with the said Swansea Vale Railway.

Tolls.

5. The railways by this Act authorised shall for the purposes of tolls and charges and for all other purposes whatsoever be part of the undertaking of the Company as if the same had been part of the Midland Railway vested in the Company by the Act (Local and Personal) 7 & 8 Vict. c. 18 entitled "An Act to consolidate the "North Midland Midland Counties and Birmingham and Derby "Junction Railways" and had formed part of the line of the Midland Railway at the time of the passing of the Act (Local and Personal) 9 & 10 Vict. c. 326 entitled "An Act to consolidate the "Bristol and Gloucester and Birmingham and Gloucester Railway "Companies with the Midland Railway Company."

For protection of the Thames and Severn Canal.

6. Nothing contained in this Act or in the Midland Railway (Additional Powers) Act 1880 or in the plans or books of reference deposited with reference thereto respectively shall authorise the Company to enter upon take stop up or close any part of the canal or towing-paths of the Thames and Severn Canal Navigation nor except for the purpose of a road approach to the station thirty feet in width to enter upon take or use the lands and wharves at Stroud of the said Canal Company other than and except the property numbered on the said plans and books of reference de-

posited with reference to this Act 30 in the parish of Rodborough and such road approach shall be constructed so as not to cause any unnecessary obstruction to the said wharves or the access thereto.

For protection of Great Western Railway Company.

7. For the protection of the Great Western Railway Company (in this section called the Great Western Company) the following provisions shall have effect (that is to say):

(Company not to enter on certain lands without consent of Great Western Company.)

(1) The Company shall not without the consent in writing of the Great Western Company under their common seal enter upon take use or acquire either temporarily or permanently any of the lands numbered on the deposited plans 8 in the parish of Llansamlet in the county of Glamorgan and 5A in the parish of Llangiwg in the said county:

(Suspending period for acquisition of certain lands.)

(2) If the Great Western Company shall within the period of two years after the passing of this Act acquire the lands numbered on the deposited plans 7 in the parish of Llansamlet in the said county of Glamorgan which lands the Great Western Company have power to acquire the Company shall not without such consent as aforesaid enter upon take use or acquire either temporarily or permanently such lands or any part thereof but if the Great Western Company do not acquire the said lands or some part thereof within such period of two years then the Company may acquire the same or so much thereof as shall not have been acquired by the Great Western Company:

(Great Western Company may widen bridge over railway of Company.)

(3) The Great Western Company may at any time or times hereafter upon giving one month's notice to the Company construct (in accordance with drawings to be previously submitted to and approved by the engineer of the Company) and thereafter maintain at their own expense any extension of the bridge on either side thereof by which the South Wales Railway of the Great Western Company is carried over the railway of the Company to such an extent as may be necessary to enable the Great Western Company to carry any reasonable number of additional lines of rails platform or buildings over the railway of the Company and such extension of the bridge shall be effected in such manner as not to obstruct the passage of traffic along the railway:

(Company not to enter on lands of Great Western Company at or near junction

(4) The Company shall not enter upon or interfere with the junction between the Swansea and Clydach Railway of the Great Western Company or any of the lands or works of that Company at or near such junction or execute any alterations or works whatever affecting the same until the Company shall

A.D. 1882.

with the Swansea and Clydach Railway until plans of proposed works affecting that Company approved.)

have delivered to the Great Western Company plans and drawings of such intended alterations and works and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended alterations and works shall be executed by the Company at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference by an engineer to be appointed by the Board of Trade:

(Damages sustained by Great Western Company to be repaid.)

(5) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or renewal or by means of the failure of any of the intended works or of any act default or omission of the Company or of any person in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission:

(Company not to interfere with traffic on railway of Great Western Company.)

(6) In constructing the widening the Company shall not in any way obstruct or interfere with the traffic passing along the railway of the Great Western Company:

(No land of Great Western Company to be taken except for certain works.)

(7) Except for the purposes of the alteration of the junction and the construction of the new works connected therewith (which junction is to be in lieu of and to be substituted for the existing junction) the Company shall not take or acquire any rights over any land of the Great Western Company except with the consent in writing of that Company under their common seal and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Company to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railways or either of them of that Company or with any of the works thereof further or otherwise than is necessary for the alteration of the junction and the construction

of new works in connexion therewith without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to use enter upon or interfere with the Company shall not purchase and take the same but the Company may purchase and take and the Great Western Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same and the Company shall pay to the Great Western Company by way of purchase and compensation for the rights and easement to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Consolidation Act 1845 relating to the purchase of lands otherwise than by agreement:

(Arbitration.)

(8) If any dispute shall arise between the Great Western Company and the Company respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the president for the time being of the Institution of Civil Engineers The costs of the arbitration to be in the discretion of such arbitrator:

(Saving rights of Great Western Company.)

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

Period for completion of railways.

8. The railways by this Act authorised shall respectively 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.

Imposing penalty unless railways opened.

9. If the Company fail within the period limited by this Act to complete the respective railways by this Act authorised they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the periods so limited until the railway or railways in respect of which the penalty has been incurred is or are completed and opened for public traffic or until the sum received in respect of

A.D. 1882.

such penalty shall amount to five per centum on the amount of the estimated cost of the railway or railways 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 railway or 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 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 railway or railways 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.

Providing for application of penalty.

10. 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 or railways in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railway or railways and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the 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.

Abandonment of portion of authorised work.

11. The Company shall abandon the construction of so much of the Stroud Branch Railway authorised by the Midland Railway (Additional Powers) Act 1880 as will be rendered unnecessary by the construction of the Stroud Branch Deviation by this Act authorised.

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

12. The abandonment by the Company under the authority of this Act of the work mentioned in the last preceding section shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Midland Railway (Additional Powers) Act 1880.

Compensation to be made in respect of work abandoned.

13. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the work authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands

A.D. 1882.

Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to make new street road and footpaths.

14. Subject to the provisions of this Act the Company may make in the lines shown on the deposited plans and so far as the same are shown on the deposited sections according to the levels shown thereon the new street road and footpaths herein-after described with all proper works and conveniences connected therewith and 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 as may be required for those and other purposes (that is to say):

(New street at Birmingham.)

(1) They may construct a new street in the parish and borough of Birmingham in the county of Warwick commencing at the junction of Wharf Street and Suffolk Street and terminating at the junction of Holliday Street and Granville Street They may purchase by compulsion or agreement and hold for the purposes of the said new street and for the purposes of their undertaking certain lands houses and buildings within the said parish and borough situate between Suffolk Street Severn Street Wharf Street and the Worcester Wharf and may appropriate to the purposes of the new street a portion of the site of Holliday Street They may stop up and discontinue as public roads or highways and appropriate to the purposes of their undertaking the roads streets portion of road or street and public footway following (that is to say): Wharf Street Norfolk Street Fordrough Street the Gullet and so much of Navigation Street as lies to the south-west of Suffolk Street:

(New road at Shipley.)

(2) They may make a new road in the township of Shipley in the parish of Bradford in the West Riding of the county of York commencing by a junction with the public road called Hirst Lane at a point thereon six chains or thereabouts south of the level crossing thereof over the Midland Railway and terminating by a junction with the same road at a point thereon nine chains or thereabouts north of the said level crossing When and so soon as the new road is completed and opened to the public the Company may stop up and discontinue and extinguish all rights of way over so much of the said public road called Hirst Lane as lies between the points of commencement and termination of the said new road:

(Footpath at Gargrave.)

(3) They may make a new footpath in the parish of Gargrave in the West Riding of the county of York commencing by a junction with the existing footpath leading from Gargrave to

A.D. 1882.

Thornton twelve chains or thereabouts in an easterly direction from its crossing over their main line of railway and terminating by a junction with the same footpath where it enters the road leading from Thornton to Gargrave at a point fifteen chains or thereabouts measured in a south-westerly direction from the bridge carrying the said road over the said railway which bridge is twenty-nine chains west of the Gargrave Station When and so soon as that new footpath is completed and opened to the public the Company may stop up and discontinue so much of the said existing footpath as lies between the boundaries of their property:

(Footpath at Langley Mill.)

(4) They may make a new footpath in the parish and township of Heanor and liberty of Codnor Park in the county of Derby commencing by a junction with the existing footpath leading from Langley Mill to Codnor Park at its point of crossing the Company's Erewash Valley Railway two and a half chains or thereabouts south of the fifty-one-and-three-quarter mile post on the said railway and passing thence along the eastern side of and under the said railway and terminating by a junction with the public road leading from Langley Mill to Codnor Park at a point thereon twenty-seven chains or thereabouts measured along that road from the point where the existing footpath joins the said road When and so soon as that new footpath is completed and opened to the public the Company may stop up and discontinue so much of the said existing footpath as lies between the boundaries of their property:

(Footpath at Plumtree.)

(5) They may make a new footpath in the parish of Plumtree in the county of Nottingham commencing by a junction with the existing footpath leading from Normanton to Keyworth near to its point of crossing the Company's Nottingham and Melton line eight chains or thereabouts east of the bridge carrying the said line over the public road leading from Plumtree to Keyworth passing thence along the north-east side of the said railway and terminating at the said bridge When and so soon as that new footpath is completed and opened to the public the Company may stop up and discontinue so much of the said existing footpath as lies between the boundaries of their property.

Power to deviate in construction of new street &c.

15. The Company may in constructing the new street road and footpaths by this Act authorised deviate the same to the extent of the limits of deviation marked on the deposited plans relating thereto and may deviate from the levels shown on the deposited sections relating thereto to any extent not exceeding five feet

A.D. 1882.

but not so as to increase the rate of inclination as shown on those sections.

Provisions as to repair of new street &c.

16. The new street road and footpaths to be made under the authority of this Act (except the stone iron or other structure carrying any of them over any railway which structure shall be repaired and maintained by and at the expense of the Company) shall when made and completed respectively be from time to time repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other streets and footpaths within the townships or parishes respectively in which such new street and footpaths will be situate are from time to time liable to be repaired or maintained:

If any question shall arise between the Company and any of such parties as to the due completion of any new street road or footpath such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not less than seven days notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of such new street or footpath shall be conclusive evidence of the fact so certified.

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

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

Extinguishment of rights of way &c.

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

Power to Company to acquire additional lands.

19. Subject to the provisions of this Act and in addition to the other lands houses and buildings which the Company are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate to the purposes of extending the station siding warehouse coal-wharf depôt mineral goods and

other accommodation of the Company and for other purposes connected with their undertaking the lands houses and buildings herein-after described or referred to delineated on the deposited plans and described in the deposited books of reference (that is to say):—

Certain lands houses and buildings in the township and parish of Bradford in the West Riding of the county of York lying on the west side of and adjoining or near to the Company's station at Bradford and between Cannon Street Lister Street Cheapside and Kirkgate: (Bradford.)

Certain lands houses and buildings in the township of Walton in the parish of Chesterfield and in the township of Brampton in the parish of Brampton in the county of Derby near the termination of the Company's Chesterfield and Brampton Branch and the New Brampton Colliery: (Brampton.)

Certain lands houses and buildings situate in the parish of Birmingham in the county of Warwick fronting to and on the south-east side of Bath Row and west of the bridge carrying that road over the Company's Birmingham West Suburban Railway: (Birmingham.)

Certain lands houses and buildings situate in the parish of Barnack in the county of Northampton on the south side of the Company's Syston and Peterborough Railway and near to the Company's Uffington Station and west of and adjoining the road leading from Barnack to Uffington: (Uffington.)

Certain lands houses and buildings situate in the parish of Saint Mary Newington in the county of Surrey on the west side of and adjoining the Walworth Road and on the south side of and adjoining Steedman Street. (Walworth.)

Extending provisions of 37 & 38 Vict. c. clx.

20. The provisions contained in sub-sections 4, 5, 8, 9, and 10 of section 25 of the Midland Railway (Additional Powers) Act 1874 for the protection of the borough of Bradford shall so far as the same are respectively applicable extend and apply to the additional lands in the parish of Bradford by this Act authorised to be acquired and to the exercise by the Company of the powers conferred by this Act with reference thereto.

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

21. 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:

A.D. 1882.

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.

22. The powers granted by this Act to the Company 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 by agreement.

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

Provision as to accommodation for persons belonging to labouring classes.

24. And whereas the construction of the works and the acquisition and appropriation by the Company of lands houses and buildings as by this Act authorised may involve a removal of some houses occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers and it is expedient that provision should be made for the accommodation of such of the before-mentioned persons as may be displaced by such removal:

Therefore before displacing any such person as aforesaid the Company shall provide sufficient accommodation elsewhere unless the Company and such person otherwise agree Provided always that if any difference arise as to the sufficiency of the accommodation proposed to be so provided by the Company the same shall be determined by a justice:

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

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 of the class referred to in the immediately preceding section 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 they have so made known their intention.

For the protection of the corporation of Birmingham.

26. In the execution of the works and exercise of the powers in the borough of Birmingham by this Act authorised the following provisions for the protection and benefit of the mayor aldermen and burgesses of the borough of Birmingham (in this section called the corporation) shall apply and have effect (that is to say):

(1) The new street in the parish of Birmingham which the Company are by this Act authorised to make (and which in this section is referred to as the new street) and the approaches thereto shall be made by the Company in the lines on the levels and of the width shown upon and in other respects according to the plan and section signed by William Spooner Till the borough surveyor and John Underwood the engineer of the Company and shall be made and completed to the reasonable satisfaction of the corporation and the Company shall not stop up Norfolk Street or Fordrough Street until they have made and completed the new street in accordance with this section:

(2) The Company shall construct on each side of the new road and approaches a footway of not less than eight feet in width and shall sewer level pave metal flag channel and make good the new road and approaches to the reasonable satisfaction of the corporation:

(3) The tunnel for carrying the new road under the canal shall be of such width as will afford a clear roadway for its whole length of at least fourteen yards and of such height as will afford a clear headway of at least fourteen feet for its whole

A.D. 1882.

length and breadth but the Company may place pillars for the support of the tunnel on the edge or kerb of the footpath on both sides of the road but shall not place any pillars or other supports in any other part of the tunnel:

(4) The tunnel shall be made water-tight and shall be made and maintained by the Company to the reasonable satisfaction of the corporation And the Company shall so far as their lands or powers extend facilitate the construction by the corporation of ventilation shaft or shafts from the crown of the tunnel to the open air:

(5) When acquired by the Company they shall give up to the corporation the piece of land in Severn Street coloured pink on the said plan so as to enable the Corporation to widen that street:

(6) The Company shall prior to the stopping up of the public streets by this Act authorised to be closed construct and maintain to the reasonable satisfaction of the corporation a footpath twelve feet in width in the clear from the new street to Commercial Street in the line and at the levels shown on the plan and section signed as aforesaid and such footpath shall be provided with convenient approaches thereto by means of steps from the new street and the same shall be securely fenced in on both sides:

(7) The provisions of section 15 (for the protection of the corporation of Birmingham) of the Midland Railway (Additional Powers) Act 1881 shall so far as they are applicable extend and apply to the works by this Act authorised to be executed within the borough of Birmingham as if the same were authorised by the said Act of 1881 and were referred to in that section.

44 & 45 Vict. c. cli.

For the protection of the Sharpness New Docks and Gloucester and Birmingham Navigation Company.

27. For the protection of the Sharpness New Docks and Gloucester and Birmingham Navigation Company (herein-after called the Sharpness Company) and of their Worcester and Birmingham Canal its wharves lands and appurtenances the following provisions shall be observed by the Company:—

(1) The Company shall submit plans sections drawings and specifications of all works proposed to be carried out on under or through land now the property of the Sharpness Company in the borough of Birmingham and shall not enter upon or interfere with such land until such plans sections drawings and specifications shall have been approved in writing by the chief engineer of the Sharpness Company for the time being or in

the event of his failure for one calendar month after the delivery of such plans sections drawings and specifications until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans sections drawings and specifications and to the reasonable satisfaction of the engineer for the time being of the Sharpness Company and after completion thereof the same shall be maintained in good order to the like satisfaction at the cost of the Company:

(2) The intended new street and footpaths shall be so constructed beneath the land canal and property of the Sharpness Company as not to interfere with or prejudice their enjoyment of the surface for any purpose for which by their Acts of Parliament they are entitled to use the same and in particular the covered way shown on the deposited plans and sections shall be so constructed that a full effective depth of six feet of water measured from weir level of the canal shall be secured above the highest point of the arch or girder which shall carry the canal over such covered way:

(3) Before commencing the construction of such covered way or entering on the land of the Sharpness Company for that purpose the Company shall make and complete to the satisfaction of the engineer for the time being of the Sharpness Company:

(1) Adequate temporary provision to secure access to and from the property of the Sharpness Company on the south-east side of such intended covered way for all the purposes of the traffic of the canal:

(2) A new wharfkeeper's and toll-collector's house weighing-house boatmen's club and reading room in lieu of those now standing on the site of such covered way:

(4) So far as the intended new street passes under the canal and property of the Sharpness Company the Company shall not acquire a greater interest in the land required for that purpose than an easement for constructing maintaining and using such covered way and any portion of the present gullet on the site of or near to such intended covered way which shall not be occupied or used for such covered way shall be filled up by the Company and vested in the Sharpness Company the Company having first carried out at their own cost and responsibility such works as the engineer of the Sharpness

A.D. 1882.

Company for the time being shall require for the security of the canal and land above the same:

(5) The Company shall save harmless and keep indemnified the Sharpness Company at all times subsequent to their entry upon the land of the latter company for the purposes of such intended new street from all damage loss and expense which the Sharpness Company may suffer or be put to in consequence of the construction maintenance or existence of such covered way under their canal and property or which shall arise in consequence of the exercise of the powers herein contained or which shall be caused by or arise out of the inadequacy of or defect in any temporary works carried out during the original construction or for the purposes of future repair or maintenance of such new street and covered way:

(6) No stoppage of the canal traffic shall be made by any act or default of the Company their engineers or contractors of a longer duration than ninety-six hours unless with the previous written assent of the engineer of the Sharpness Company for the time being any stoppage shall be subject to the following condition:

(1) It shall not be for a longer period at any one time than ninety-six hours or than shall be sanctioned in writing by such last-mentioned engineer:

(2) It shall not take place without fourteen days public notice being given in such manner as the engineer of the Sharpness Company shall require and at the cost of the Company:

(3) The stoppage for ninety-six hours as herein provided for shall take place at such time as the engineer of the Sharpness Company and the engineer of the Company shall agree on:

(4) The Company shall pay to the Sharpness Company as and for liquidated damage and by way of compensation and not by way of fine or penalty for every day or part of a day during which any such stoppage shall take place or continue the sum of fifty pounds and for every day or part of a day by which the permitted duration of such stoppage shall be exceeded the sum of one hundred pounds but nothing herein contained shall be taken to authorise a stoppage for any longer period than that for which permission as aforesaid shall have been given:

(7) The Company shall make full compensation to the Sharpness Company for any loss or injury to business and premises

sustained by that Company by reason of the deprivation of frontage or access to Holliday Street Birmingham caused by the construction of the new street by this Act authorised.

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.

Vesting in Company of undertaking of Evesham Company.

29. As from the first day of July one thousand eight hundred and eighty-two (which day is in this Act referred to as the vesting period) the agreement dated the twentieth day of April one thousand eight hundred and sixty-seven and made between the Evesham and Redditch Railway Company (herein-after called the Evesham Company) of the one part and the Company of the other part shall cease to be binding except so far as regards the settlements of all accounts up to that date and the undertaking of the Evesham Company (including the railway constructed under the powers of the Evesham and Redditch Railway Act of 1863 and all stations sidings approaches buildings fixed plant warehouses and other works and all the lands and other the rights powers privileges property estate and conveyances or other assurances of land of the Evesham Company but not moneys in their hands) shall be and is hereby absolutely vested in the Company as part of their undertaking upon and subject to the terms conditions and provisions herein-after set forth (that is to say):

26 & 27 Vict. c. cxiv.

(1.) As from the vesting period the Company may and shall exercise and fulfil in their own name and under their own seal and in the names and under the hands of their directors officers and servants all the rights powers liabilities and obligations of

A.D. 1882.

the Evesham Company whether with reference to the acquisition of lands the construction and maintenance of works the borrowing of money the levying of tolls rates and charges or otherwise in like manner as those rights powers liabilities and obligations are authorised and required to be exercised by the Evesham Company:

(2) As from the vesting period the Midland Company shall assume the liability of the Evesham Company to the holders of debenture stock of that Company amounting to forty-nine thousand six hundred pounds and herein-after called Evesham debenture stock and within three calendar months after the vesting period the Company shall issue to each registered holder of Evesham debenture stock in exchange for the debenture stock so held by him a certificate for such an amount of Midland Railway four per cent. debenture stock as shall produce an annual income equal to that derived from the Evesham debenture stock belonging to such registered holder And upon the completion of such exchange the Company shall cancel a corresponding amount of the Evesham debenture stock And the debenture stock to be issued under this enactment shall form part of or shall rank pari passu with the Midland Railway four per cent. debenture stock:

(3) Within one calendar month after the passing of this Act the Midland Company shall pay to the Evesham Company the sum of one thousand pounds as a repayment of expenditure made by the Evesham Company upon their undertaking out of revenue:

(4) As from the vesting period the Company shall be liable to pay and shall from time to time pay to the Evesham Company the annual rent or sum of five thousand two hundred and fifteen pounds which shall be payable by equal half-yearly payments on the first day of January and the first day of July in each year without any deduction except for property tax and as herein-after provided:

(5) The Evesham Company shall hold the sums of money so from time to time received by them in trust to apply the same as the income arising from the transferred undertaking if they were still in possession thereof would be applicable except as regards the payment of interest upon the Evesham debenture stock:

(6) The Company may and shall as soon as conveniently may be after the passing of this Act appoint a fit and proper person on their staff to discharge and perform the secretarial and other duties required to be performed in respect of the Evesham Company's undertaking and the Company shall pay to the

Evesham Company all expenses necessarily incurred by them in the administration of their affairs after the date of the vesting period:

(7) The Evesham Company shall continue liable to perform and fulfil all obligations incurred by them in or about the construction and completion of their railway or incident thereto and shall within two calendar months after the vesting period produce and deliver over to the Company all the conveyances or other assurances of the land forming the site of the railway and of all other lands acquired or held by them under the powers of their Acts of Parliament:

Within three months after the vesting period or after the passing of this Act whichever shall last occur the Evesham Company shall at the expense of the Company execute a deed of transfer of their undertaking duly stamped and truly stating the consideration which deed may be in the form set forth in the third schedule to this Act or to the like effect with such variations and conditions as circumstances may require If the Company shall not within the aforesaid period produce to the Commissioners of Inland Revenue such deed duly stamped as aforesaid the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the vesting period or the passing of this Act whichever shall last occur shall be recoverable from the Company with full costs of suit and all costs and charges attending the same:

If the Company shall at any time after the vesting period be called upon to pay and shall pay any sum or sums of money in respect of the undertaking of the Evesham Company which in case of difference shall be determined by arbitration pursuant to the provisions of the Railway Companies Arbitration Act 1859 to be properly payable by the Evesham Company as springing from an act liability or default prior to the said vesting period the amount or amounts so paid shall on demand be repaid by the Evesham Company to the Company or in case of default may be deducted by the Company out of the annual rent payable by them as hereinbefore provided.

22 & 23 Vict. c. 59.

30. Nothing in this Act contained shall be deemed to take away alter prejudice or diminish any of the powers rights and privileges now enjoyed or exerciseable by the Evesham Redditch and Stratford-upon-Avon Junction Railway Company and the East and West Junction Railway Company or either of them under or by virtue of the provisions of the Evesham Redditch and Stratford-upon-Avon Junction Railway Act 1873 and the agreement set forth in the schedule to the said Act.

Saving rights of Evesham and East and West Junction Railways.

36 & 37 Vict. c. ccxlv.

A.D. 1882.

Classification table to be open to inspection and copies to be sold.

31. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling:

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified:

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873.

36 & 37 Vict. c. 48.

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

32. 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 one million five 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 be issued until one-fifth part thereof shall have been paid up.

33. 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.

34. 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.

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

Shares or stock of same class to have like privileges.

36. 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.

37. 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.

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

A.D. 1882.

Qualifications of new shares or stock.

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

Saving rights of existing preference shareholders.

40. 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.

41. 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.

42. The Company may in respect of the additional capital of one million five 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 five 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.

Provisions with respect to appointment of a receiver.

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

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

Existing mortgages to have priority.

44. 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

A.D. 1882.

bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages to be granted by virtue of this Act And nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Company may create debenture stock.

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

Application of moneys.

46. 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 and to no other purpose.

Company may apply corporate funds.

47. 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.

48. 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.

49. 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.

Provision as to general Railway Acts.

50. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of

railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act.

51. 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.

A.D. 1882.

SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIBING LANDS BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS ONLY ARE REQUIRED TO BE TAKEN BY THE COMPANY.

Parish.	Number on deposited Plans.
SNYDALE BRANCHES No. 1.	
Warmfield - - - -	46
SWANSEA VALE WIDENING.	
Llansamlet - - -	5 10 18 20B
Cadoxton-juxta-Neath - -	2 3 13A
Cil-y-bebyll - - -	3 5A 9

SECOND SCHEDULE.

SUPERFLUOUS LANDS.

County.	Parish.
THE MIDLAND RAILWAY (NEW LINES AND ADDITIONAL POWERS) ACT 1865.	
Derby - - - -	Shirland. Nurton.
THE MIDLAND RAILWAY (ADDITIONAL POWERS) ACT 1867.	
Nottingham - - - -	Teversall.
Stafford - - - -	Burton-on-Trent.
Derby - - - -	Ilkeston. Kirk Hallam. West Hallam. Stanton-by-Dale.

THIRD SCHEDULE.

Form of Deed of Transfer.

In pursuance of and subject to the provisions of the Midland Railway (Additional Powers) Act 1882 and in consideration of the terms conditions and provisions in that Act contained the Evesham and Redditch Railway Company hereby transfer and convey unto the Midland Railway Company the undertaking of the said Evesham and Redditch Railway Company as defined by that Act to hold the same unto the said Midland Railway Company and the said Midland Railway Company do accept the same accordingly.

In witness whereof each of the said two Companies have hereunto affixed their respective common seals this day of one thousand eight hundred and .

LONDON: Printed by George E. B. Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1882.