CHAPTER xc.

An Act to confer additional powers upon the Midland Railway Company for the construction of works and the acquisition of lands; for raising further capital and for the consolidation of the various classes of their shares and stocks; and for amalgamating with their undertaking the undertaking of the Bedford and Northampton Railway Company; and for other purposes. [16th July 1885.] A.D. 1885.

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

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

And whereas it is expedient that further provision should be made with respect to the giving by the Company of bonds under seal to Her Majesty in respect of goods liable to duties of Customs and Excise:

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(Bedford and Northampton Railway vesting.)

And whereas the Bedford and Northampton Railway is under the authority of Parliament maintained and worked by the Company upon the terms of paying to the Bedford and Northampton Railway Company (herein-after called the Bedford Company) a fixed minimum payment at the rate of fifteen thousand six hundred pounds per annum together with an increased amount in certain contingencies and it is expedient that the Bedford Company should be amalgamated with the Company upon the terms and in manner herein-after expressed:

(Bedford and Northampton Railway Company's capital.)

And whereas the capital of the Bedford Company consists of four hundred thousand pounds of stock of which two hundred thousand pounds is preferred stock and two hundred thousand pounds is deferred stock and one hundred and thirty thousand and eighty-six pounds of debenture stock bearing interest at the rate of four pounds per centum per annum:

(Additional capital of Company.)

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of the railway and other works by this Act authorised and also for the making and enlargement of stations sidings warehouses engine-sheds workshops coal wharves depôts mineral goods and other works and conveniences for the accommodation of the 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:

(Consolidation of stocks.)

And whereas by the Midland Railway (Additional Powers) Act 1874 provision was made for the consolidation of the various capital stocks (including debenture stocks) of the Company and it is expedient that the different classes of such capital stocks of the Company including the stocks created since the passing of the said Act should be consolidated as by this Act provided:

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 1885.

Incorporation of general Acts.

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

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to the construction of a railway) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863 except section forty-nine thereof:

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; and

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

Interpretation.

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

The expression "the railway" means the new railway 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.

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Power to make new railway.

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 railway 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 railway herein-before referred to and authorised by this Act is—

The Ancoats Junction (four furlongs and seventy links in length) situate wholly in the township of Ardwick in the parish of Manchester in the county of Lancaster commencing by a junction with the Company's Ancoats goods branch and terminating by a junction with the Lancashire and Yorkshire Railway from Ardwick to Miles Platting.

Tolls.

5. The railway 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 and 8 Vict. chapter 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 and 10 Vict. chapter 326 entitled "An Act to consolidate the Bristol "and Gloucester and Birmingham and Gloucester Railway Companies "with the Midland Railway Company."

For the protection of the corporation of Manchester.

6. In executing the powers granted to the Company within the city of Manchester under this Act the following provisions for the protection of the mayor aldermen and citizens of the city of Manchester (herein-after referred to as "the corporation") shall apply (that is to say):—

(A.) The bridge crossing Ashton Road shall be a flat girder bridge having a span of the full width of the present road at that point The height of such bridge from the level of the street pavement to the underside of the girders shall be not less than eighteen feet clear at any part of the full width such bridge to be so constructed and maintained as to be as far as practicable drop-dry:

(B.) The surface of the Ashton Road shall not be lowered more than two feet under the said bridge such road shall after such lowering also be so altered and tailed out on the westerly side or direction as to have an uniform gradient between the said bridge and the surface of the paving underneath the Lancashire

and Yorkshire Branch Railway and on the easterly side or direction as to have an uniform gradient of 1 in 60 until it intersects the surface of the pavement of the Ashton Road:

(C.) Beswick street and Poplar Street shall be crossed by flat girder bridges instead of arched bridges the bridges to be constructed the full width of the particular street crossed and at no point to have a less headway than fifteen feet:

(D.) The Company shall at their own cost provide and dedicate a new street on the easterly side of the viaduct extending from Ashton Road to the southerly side of Poplar Street such new street to be eight yards in width and to be paved sewered flagged and completed by and at the cost of the corporation and the Company shall on demand pay the corporation one half of such cost. The portion of Major Street beneath the viaduct and for the width thereof and extending to its junction with Ashton Road may be stopped up and appropriated by the Company. The Company shall face all abutments of the bridge abutting upon the Ashton Road and if so required by the corporation of Beswick Street and Poplar Street with white glazed bricks and shall clean at least once in three years:

(E.) The street known as Back Major Street is not to be closed unless the Company acquire all the property fronting to it:

(F.) The lamp pillars flags paving stones curbs grids sewers drains water gas and other pipes or apparatus under the control of the corporation together with such portion of the road materials as the corporation may think fit in any street which shall be stopped up or absorbed wholly or in part by the Company under the powers of this Act shall remain and be the property of the corporation if they think fit to remove and take the same away:

(G.) The cost of constructing providing and laying any new sewers drains mains pipes or apparatus in substitution for those which may be rendered useless by such alteration shall be repaid to the corporation by the Company on demand:

(H.) Whenever in execution of the powers in this Act contained it shall be necessary to alter or interfere with any of the roads streets tramways pavements sewers or drains or any of the gas water or other mains or pipes or apparatus belonging to the corporation such alteration or interference shall be carried out by and under the direction of the corporation but at the expense in all respects of the Company:

(I.) To prevent any interference with or danger to the traffic of the Ashton Road the Company shall not erect or place

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thereon any scaffolding staging platform or other work except in such position as shall be approved by the city surveyor and the works shall be sufficiently lighted and watched both by day and night until the completion thereof by and at the expense of the Company and arrangements shall be made at the cost of the Company to the reasonable satisfaction of the city surveyor that the tramway and general traffic in the street shall be continued during the progress of the works the Company shall pay any expenses or loss incurred or occasioned to the corporation or their lessees by reason of the interference with or stoppage of the said tramway traffic during the execution of the works:

(J.) The piers or abutments and foundations of all bridges shall in all cases extend and be made below the surface of the street to a depth sufficient to allow the corporation to make and construct any sewers or watercourses and to lay or deposit any main or other pipes which under or by virtue of any Act of Parliament the corporation are authorised to lay down construct and deposit:

(K.) The inside face of the piers or abutments of every such bridge shall be lineable with the buildings on each side of the street:

(L.) The parapet of the bridge over the Ashton Road shall be of such height from the level of the rails on each side of the bridge throughout the entire crossing of the street and for such further extent in length at both ends beyond the opening of the bridge and on each side of the railway as shall be agreed upon between the corporation and the Company or in case of disagreement determined by some arbitrator to be appointed by the Board of Trade.

For the protection of the Manchester Carriage and Tramways Company.

7. If during the work of erecting the bridge which will carry the railway over the Ashton Road and also if during the work of altering the surface of the said road it should be necessary or expedient temporarily to remove or interfere with the working of the tramways which pass along the said road or any part thereof the Company shall to the satisfaction of the Manchester Carriage and Tramways Company (in this section called the carriage company) or their engineer for the time being construct and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramways or part of a tramway so removed or interfered with so that at all times during the progress of such works the tramcars of the carriage company may pass and repass without any interruption along the

said road and the Company shall during the progress of and until the completion of such works provide such lighting and watching as may be necessary to prevent accident to all persons and vehicles passing along the said road and on the completion of such works the carriage company may at the expense of the Company restore the said tramways and such part of the road as shall have been altered or interfered with as the carriage company are liable to maintain and repair under the 28th section of the Tramways Act 1870 to as good a state and condition as they were in before the commencement of such works and the Company shall recoup and indemnify the carriage company against all sums costs and expenses which they may be put to in such restoration and the carriage company may recover from the Company all such sums costs and expenses as in this section mentioned together with full costs and charges by all and the same means as any simple contract debt.

Period for completion of railway.

8. The railway 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 railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Imposing penalty unless railway opened.

9. If the Company fail within the period limited by this Act to complete the railway by this Act authorised 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 railway is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the amount of the estimated cost of the railway:

The said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. chapter 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. chapter 31 to an account opened or to be opened in the name and with the privity of the Paymaster-General on behalf of the Supreme Court of Judicature in England in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided:

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But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway by unforeseen 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 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 the 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 Chancery Division of the High Court of Justice in England may seem fit:

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid 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 to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the 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 make road and footpath &c.

11. Subject to the provisions of this Act the Company may make in the lines shown on the deposited plans the road and footpath 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 purposes (that is to say):

(1.) They may make a new footpath in the parish of Stoke Prior in the county of Worcester commencing by a junction with the existing footpath leading from Bromsgrove to Stoke Prior which adjoins the Company's Bromsgrove waggon works on the south-east side thereof at a point on that footpath seventeen chains or thereabouts in a southerly direction from its junction with the public road leading from Bromsgrove to Bentley and terminating by a junction with the said public road at a point thereon seven chains or thereabouts in a south-easterly direction from its present junction with the said existing footpath And may stop up and discontinue and extinguish all rights of way over so much of the said existing footpath as lies between the commencement of the new footpath and the said public road:

(2.) They may extend the road over the viaduct constructed by them across their main line of railway in the parish of Souldrop in the county of Bedford seventy-two chains or thereabouts south of the bridge carrying Fortyfoot Lane over that railway so as to form junctions with the road (in this section called the existing road) which passes under the said railway one chain or thereabouts south of the said viaduct such junctions being respectively sixteen chains or thereabouts in a north-easterly direction and thirteen chains or thereabouts in a south-westerly direction from the said viaduct and the said new road when so extended shall for all purposes be substituted for the existing road between the said points of junction and all rights of way over so much of the existing road as lies between the said points of junction shall be extinguished.

Provisions as to repair of road &c.

12. The road and footpath to be made under the authority of this Act 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 roads and footpaths within the townships or parishes respectively in which such road and footpath will be situate are from time to time liable to be repaired or maintained Provided that the Company shall repair and maintain so much of the said road as is carried over their viaduct and the embanked approaches thereto:

If any question shall arise between the Company and any of such parties as to the due completion of the 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

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less than seven days notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of such road or footpath shall be conclusive evidence of the fact so certified.

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

13. The site and soil of the said portions of road and footpath by this Act authorised to be stopped up and discontinued and the fee simple and inheritance thereof (except where by this Act otherwise provided) if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof shall be from the time of the stopping up thereof respectively subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway wholly and absolutely vested in the Company for the purposes of their undertaking.

Extinguishment of rights of way &c.

14. 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:

The Company shall not stop up the existing road or any footpath until they shall have completed and opened to the public the road or footpath to be substituted therefor.

Power to acquire lands for general purposes.

15. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate to the purposes of extending their stations sidings warehouses engine-sheds workshops coal wharves depôts mineral goods and other works and conveniences for the accommodation of their traffic and for other purposes connected with their undertaking all or any of the lands houses and buildings following delineated on the deposited plans thereof and described in the deposited books of reference relating thereto (that is to say):

Certain lands houses and buildings situate in the township of Quernmore in the parish of Lancaster in the county of Lancaster lying on the south side of and adjcining the Company's railway from Skipton to Morecambe near to the east end of the Halton Station;

Certain lands houses and buildings situate in the parish of Pleasley in the county of Derby lying on both sides of and

adjoining the Company's railway from Teversall to Mansfield Woodhouse at or near the Pleasley Colliery;

Certain lands houses and buildings situate in the parish of Teversall in the county of Nottingham lying on both sides of and adjoining the Company's railway from Tibshelf Junction to Pleasley at or near to the Butcherwood Colliery sidings;

Certain lands houses and buildings situate in the parish of Birmingham in the county of Warwick lying on the south side of Swallow Street and west side of Summer Street;

Certain lands houses and buildings situate in the parish of King's Norton in the county of Worcester lying on both sides of and adjoining the Company's main line from Birmingham to Bristol near to the King's Norton Station thereon;

Certain lands houses and buildings situate in the parish of Saint Mary Islington in the county of Middlesex lying on the north-west side of and adjoining the Tottenham and Hampstead Junction Railway at or near the Junction Road Station thereon.

For protection of vestry of Saint Mary Islington.

16. The Company shall immediately upon their acquiring under the powers of this Act any lands houses or buildings in the parish of Saint Mary Islington become liable to pay and shall pay the poor and other parochial rates which may be from time to time made by the vestry of such parish upon the amounts at which such lands houses or buildings are at present assessed to the relief of the poor of the said parish notwithstanding that the said lands houses or buildings may not be beneficially occupied by the Company and until the same are beneficially occupied and capable of being assessed at a higher amount If the Company shall acquire under the authority of this Act any land in the parish of Saint Mary Islington under or abutting on which there are any sewers constructed by or under the jurisdiction or control of the vestry of that parish the Company shall not interfere in any manner with such sewer or sewers until they shall have first provided a proper and sufficient substituted sewer or sewers to the satisfaction of that vestry or in case of difference between the vestry and the Company to the satisfaction of an engineer to be appointed for that purpose on the application of either party by the Board of Trade and any such substituted sewer or sewers shall thereafter be as fully and completely under the direction jurisdiction and control of the said vestry as the sewers or works for which they are substituted now are or hereafter may be and nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested in the said vestry but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

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

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

Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise:

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

Period for compulsory purchase of lands.

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

Power to grant easements &c. by agreement.

19. 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.

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Restriction on displacing persons of labouring class.

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

(A.) They shall have obtained the approval in the case of the metropolis of the Secretary of State for the Home Department or in any other case of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of State or the Local Government Board (as the case may be) shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

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

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

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

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

(4.) Any conditions subject to which the said Secretary of State or the Local Government Board (as the case may be) may have

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

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

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

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

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

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

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

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

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

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that board not exceeding three guineas a day for the services of such inspector and the provisions of this sub-section shall apply mutatis mutandis to expenses incurred by or on behalf of the said Secretary of State.

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

Amendment of provision for Bradford Corporation in Company's Act of 1874.

21. Notwithstanding anything in sub-section 5 of section 25 of the Midland Railway (Additional Powers) Act 1874 the Company shall be at liberty to construct buildings fronting to Kirkgate in the borough of Bradford to such line of such extent and in such manner as are shown upon the plan signed by Alfred A. Langley the engineer of the Company and John Henry Cox the borough

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surveyor of the corporation of the said borough and bearing date the second day of March one thousand eight hundred and eighty-five (a copy of which plan signed by Sir Arthur Otway the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred has been deposited in the Private Bill Office of that House) Provided always that except as herein-before expressly enacted the said sub-section shall remain in full force.

Extending time for sale of certain superfluous lands.

22. 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.

As to Customs' and other bonds given by Company.

23. The Company may with the sanction of the Commissioners of Customs or the Commissioners of Inland Revenue give and grant to Her Majesty under their common seal bonds general or otherwise conditioned for the due removal or exportation of goods liable to duties of Customs or Excise or for warehousing or otherwise dealing with such goods in accordance with the laws and regulations of the Customs and Excise for the time being in force.

Amalgamation of Bedford Company with the Company.

24. As soon as reasonably may be after the passing of this Act and not later than the first day of November one thousand eight hundred and eighty-five the Bedford Company shall produce and deliver to the Company such evidence as the Company shall reasonably require that all its debts liabilities and obligations of every description other than rentcharges and debenture stock have been fully paid and satisfied and upon due compliance with this section on or before the first day of December one thousand eight hundred and eighty-five the following provisions shall have effect:

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As from the thirty-first day of December one thousand eight hundred and eighty-five (which day is in this Act referred to as the date of amalgamation) the undertaking of the Bedford Company shall be amalgamated with the undertaking of the Company and the Bedford Company shall continue to exist for the purpose only of winding up their affairs and when their affairs are wound up shall by this Act be dissolved:

On or before the date of amalgamation the Company shall issue to the holders of the capital and debenture stock of the Bedford Company certificates for the under-mentioned amounts of stock in the Company in exchange for the certificates now held by such holders respectively (that is to say):

To each registered holder of debenture stock of the Bedford Company an equal amount of Midland Railway Four per Centum Debenture Stock:

To each registered holder of preferred ordinary stock of the Bedford Company a certificate for one hundred and twelve pounds ten shillings of Midland Railway Four per Centum Preference Stock in exchange for each one hundred pounds of Preferred Bedford Stock:

To each registered holder of deferred ordinary stock of the Bedford Company a certificate for twenty-five pounds of Midland Railway Four per Centum Preference Stock or at his option to be signified in writing to the Company before the first day of December one thousand eight hundred and eighty-five a certificate for twenty-one pounds of Midland Railway Ordinary Stock in exchange for each one hundred pounds of Bedford Deferred Ordinary Stock held by him:

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

The Company may in addition to any other capital which they are by this Act authorised to raise create such amounts of Midland

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Railway Four per Centum Debenture Stock and of Midland Railway Four per Centum Preference Stock as may be necesary for giving effect to this section and the debenture stock and preference stock so created shall respectively form part of or shall rank pari passu with the existing Midland Railway Four per Centum Debenture stock and Midland Railway Four per Centum Preference Stock Provided always that in the event of the Company not being satisfied with the evidence to be produced and delivered by the Bedford Company to the Company as aforesaid that all its debts liabilities and engagements other than rentcharges and debenture stocks have been fully paid and satisfied they shall give notice to the Bedford Company on or before the fourteenth day of November one thousand eight hundred and eighty-five of such their dissatisfaction specifying in such notice what further or other evidence they require and provided also that the accounts rendered by the Company to the Bedford Company up to the thirtieth day of June one thousand eight hundred and eighty-four shall be deemed to be final and conclusive as regards such company and that like accounts shall be delivered by the Company to the Bedford Company for each of the half years ending respectively the thirty-first day of December one thousand eight hundred and eighty-four the thirtieth day of June one thousand eight hundred and eighty-five and the thirty-first day of December one thousand eight hundred and eighty-five and such accounts duly certified under the hands of the chairman and secretary of the Company shall be accepted by the Bedford Company as final and conclusive The existing traffic guarantee of the Midland Company shall remain in force up to the said thirty-first day of December one thousand eight hundred and eighty-five On completion of the amalgamation the Company shall pay to the secretary of the Bedford Company reasonable compensation for the loss of his office the amount of which shall if not agreed be determined by arbitration in manner provided by the Railways Clauses Consolidation Act 1845.

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

25. The Company in addition to the before-mentioned amounts of debenture stock and preference stock 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 six 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-

26. 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.

fifth part thereof shall have been paid up.

27. 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.

As to amount and issue of new shares or stock.

28. 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.

Votes in respect of new shares or stock.

29. 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.

Shares or stock of same class to have like privileges.

30. 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

Vesting of new shares or stock.

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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.

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

Qualifications of new shares or stock.

32. 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.

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

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

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

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Power to borrow.

35. The Company may in respect of the additional capital of six hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole two 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.

36. 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

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

Existing mortgages to have priority.

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

Company may create debenture stock.

38. 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.

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

Company may apply corporate funds.

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

Providing for consolidation of capital stocks.

41. Whereas by virtue of several Acts of Parliament the Company have created capital stock (which expression in this section excludes debenture stock and includes shares) and have attached to certain portions or classes of that capital stock guaranteed or preferential dividends of various amounts and conditions and contingencies of various descriptions and the Company have also by way of consideration for the purchase or acquisition of the undertakings of other companies created other stocks in their own undertaking or have guaranteed or undertaken the payment of interest or dividends upon or rentcharges in respect of the capital stock

of those other companies and it would be convenient to the holders of the several stocks above referred to and to the Company if the same were consolidated in the manner and subject to the conditions and restrictions herein-after prescribed and it is expedient that provision should be made accordingly:

Therefore—

(Directors to prepare scheme.)

(1.) The directors of the Company may at any time not later than the thirty-first day of December one thousand eight hundred and eighty-seven prepare a scheme or schemes for the consolidation of all the stocks above referred to or of such of them as they desire to consolidate and for the conversion of those stocks into other stocks of such names and of such amounts and with such guaranteed preferential or ordinary dividends and such other privileges and conditions attached thereto as the scheme shall define:

(Scheme to be circulated.)

(2.) They shall send a copy of the scheme to all the proprietors of the stocks to which the scheme relates accompanied by a notice that the scheme will be submitted to the consideration of a meeting of the proprietors of those stocks:

(Meetings of proprietors to consider scheme.)

(3.) Not sooner than one month nor later than two months after the circulation of the scheme the directors shall convene separate meetings of the proprietors of the several stocks to which the scheme relates or which may be affected thereby and the directors shall submit to each of such meetings such portion or portions of the scheme as relate to or affect the stock represented at that meeting:

If the proprietors present in person or by proxy at any such meeting and holding one fourth in value of any stock to which the scheme relates object to that portion of such scheme which relates to the stock of which they are proprietors the scheme so far as it relates to that stock shall not be carried into effect but in respect of the other stocks and in respect of all the stocks to which the scheme relates if no such objection is made the scheme shall be declared to be approved:

(Meetings how to be convened.)

(4.) Every meeting convened under the provisions of this section shall be convened in the manner prescribed by the Act local and personal 7 & 8 Vict. cap. 18 entitled "An Act to consolidate the North Midland Midland Counties and Birmingham and Derby Junction Railways" for calling general meetings of the Company:

(Confirmation of scheme.)

(5.) The scheme so approved shall be submitted by the directors to a general meeting of the proprietors of the Company duly convened with special notice of the matter If the scheme or

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any portion or portions thereof is or are approved by a majority of the votes of the proprietors present in person or by proxy in respect of the stock held by them according to the scale of voting prescribed by the said Act of 7 & 8 Vict. cap. 18 it shall be carried into effect by the directors but if the whole or any portion thereof is disapproved of by such majority the scheme or the portion or portions thereof so disapproved of shall not be proceeded with:

(Providing for future schemes.)

(6.) In the event of the failure from any cause either wholly or in part of any scheme or schemes prepared by the directors under this section other than and except the disapproval thereof by the proprietors of the Company the directors may prepare another scheme or other schemes which shall be dealt with in like manner under the foregoing provisions as if no antecedent scheme or schemes had been prepared:

(Providing for execution of scheme.)

(7.) For the purpose of carrying any scheme so approved of into effect the directors shall have and may exercise the following powers:

(A.) They may for the purposes of the scheme create and issue new stocks And such new stocks may be rentcharge stock guaranteed stock preference stock and ordinary stock or any of such stocks and of such amounts respectively and with such dividends and other provisions and conditions attached thereto as may be required to give effect to the scheme:

Provided always that the aggregate amount of the dividends payable upon the new rentcharge stock guaranteed stock and preference stock so created shall not exceed the aggregate amount of the dividends payable upon the stocks in substitution for or in respect of which those new stocks are so created:

Provided also that the directors shall not issue any new rentcharge stock except in redemption of or in substitution for rentcharges or other payments by way of or of the character of rent Nor shall they issue any new guaranteed stock except in redemption of or substitution for guaranteed stock or shares or other dividends interest or payments having or being entitled to a guarantee of the like character and priority:

(B.) Forthwith upon the consolidation taking effect they shall issue to every holder of the stocks so consolidated free of charge for so doing a certificate for and representing such an amount of new stock as such holder is entitled to:

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

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

Consolidated stock to be held on same trusts &c.

42. The consolidated stock shall remain and be vested in the person or persons to whom it is issued upon the same trusts and subject to the same powers provisoes declarations agreements charges liabilities and incumbrances as at the time of the issue thereof affect the stock in substitution for which the consolidated stock is issued and so as to give effect to and not revoke any will deed or other instrument disposing of or otherwise affecting any stock for which the consolidated stock is issued and every such will deed or other instrument shall take effect with reference to the whole or a proportionate part of the consolidated stock substituted as the case may be.

New capital may be comprised in the scheme.

43. Any capital which the Company may have power to raise in shares or stock by virtue of this Act or of any other Act passed in the present session of Parliament may be comprised in any scheme for the consolidation of stock.

Trustees &c. may accept consolidated stock.

44. Trustees executors and administrators may accept any consolidated capital stock created and issued under the authority of this Act in substitution for any other capital stock or shares consolidated under the authority of this Act and may hold dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the stock or shares for which such consolidated stock was substituted.

Interest not to be paid on calls paid up.

45. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him But nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be

46. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing

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paid out of capital.

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.

47. 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.

48. 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 by the Company.

Parish.	Number on deposited Plans.
Teversall - - -	8.
Pleasley - - -	1 and 2.

SECOND SCHEDULE.

Superfluous Lands of the Company.

Parish.	County.
Church Gresley - -	Derby.
Cauldwell - - -	"
Staveley - - -	"
North Wingfield - -	"
Ault Hucknall - -	"
Chesterfield - - -	"
Wingerworth - -	"
Seal - - - -	Leicester.

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