



ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. xciv.

An Act to vest in the *London and North-western Railway Company*, jointly with the *Midland Railway Company*, certain Railways between *Ashby* and *Nuneaton* in the County of *Leicester*; and for other Purposes. [17th June 1867.]

WHEREAS by "The *Midland Railway (Ashby and Nuneaton, &c.) Act, 1866*," (herein-after called "the Act of 1866,") the *Midland Railway Company* (herein-after called "the *Midland Company*") were authorized to construct certain Railways in that Act more particularly described, and forming Communications between the *Leicester and Swannington Railway* of the *Midland Company* and the *South Leicestershire Railway* of the *London and North-western Railway Company* (herein-after called "the *North-western Company*"): And whereas the Bill upon which the said Act was founded was opposed in Parliament by the *North-western Company*, but the *Midland Company* having made an Offer to the *North-western Company* to admit them to the joint Ownership of the proposed Railways, such Offer was accepted by that Company, who thereupon ceased to oppose the Bill, and in conformity with such Offer and Acceptance (a Copy whereof is set forth in the First

[Local.] 16 F Schedule

29 & 30 Vict. c. cccxv.

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Schedule hereto) it is expedient that the *North-western* Company should become jointly with the *Midland* Company interested in and Owners of the Railways authorized by the Act of 1866: And whereas in further Conformity with the said Offer and Acceptance it is expedient that the *North-western* Company should be empowered to use certain other Portions of the Undertaking of the *Midland* Company: And whereas it is expedient that the *North-western* Company should be empowered to raise additional Capital: And whereas the Purposes 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; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *London and North-western Railway (Ashby and Nuneaton Lines) Act, 1867.*"

Interpretation of Terms.

2. The Expression "the Railway" when used in this Act shall mean and include the several Railways described in and authorized by the Act of 1866, and all Stations, Sidings, Offices, Watering Places, Works, and Conveniences on or in connexion therewith respectively, and the Lands and Property acquired or to be hereafter acquired for the Purposes thereof respectively; the Expression "the Companies" shall mean the *North-western* and the *Midland* Companies; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or other like Expression in this Act or any Act or Part of Act incorporated herewith, shall be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute.

Provisions of recited Act to be subject to Provisions of this Act.

3. From and after the passing of this Act the Powers and Provisions of the Act of 1866 with respect to the Construction, Maintenance, Management, Working, and Use of the Railway shall be put into execution by the Companies according to the Provisions of this Act, and subject to such Provisions the Companies shall on the passing of this Act be joint Owners of the Railway which shall be called "the *Ashby and Nuneaton Railway.*"

Joint Committee to be nominated.

4. Within One Month after the passing of this Act the *Midland* Company shall, in Writing under the Hand of the Chairman and Secretary of that Company, nominate Three Persons, and the *North-western* Company shall in like Manner nominate Three Persons, and the Six Persons so nominated, and their Successors, shall form a Committee

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Committee for the Construction, Maintenance, and Management of the Railway, to be called "the *Ashby and Nuneaton* Railway Joint Committee," and the same Committee is herein-after called "the Joint Committee."

5. In the event of Default by either of the Companies to nominate within One Month after the passing of this Act Members of the Joint Committee, the Persons nominated by the other Company, or any Two of those Persons, may lawfully exercise the Powers hereby vested in the Joint Committee until the Company failing to nominate shall have made such Nomination.

On Failure by either of the Companies to nominate the Nominees of the other Company may act.

6. The Companies may from Time to Time at their Pleasure remove, by Writing under the Hand of their respective Chairman and Secretary, all or any of the Members of the Joint Committee nominated by them respectively, and may in like Manner fill up Vacancies occurring in the Joint Committee by Removal, Death, or Resignation, and any Informality in the Nomination of a Member of the Joint Committee shall not invalidate any Acts done by the Joint Committee previously to the Discovery of such Informality, and the Omission of either Company to supply Vacancies in the Joint Committee shall not invalidate the Acts of the Committee.

As to Vacancies in Joint Committee.

7. The Joint Committee shall hold its Meetings at such Place as it shall from Time to Time determine, and Four shall be a Quorum, and, unless at any Time or from Time to Time otherwise unanimously agreed at any such Meeting, the Chairman of successive Meetings shall be alternately selected from the Members representing the Companies respectively, and the First Business transacted at every Meeting of the Joint Committee shall be the Election of a Chairman to preside at such Meeting, and the Proceedings of each Meeting shall be determined by a Majority of the Persons present, the Chairman having only One Vote and not a Casting Vote; but if any Question shall arise in the Joint Committee whereon all the Members present representing one Company differ from all the Members present representing the other Company, or if there shall be an Equality of Votes upon any Question entertained by the Joint Committee, the Question shall, if required, be referred to the Boards of Directors of the Companies respectively, and if the said Boards shall not within Eight Days after the Matter in difference shall have been referred to them agree thereupon, then the Matter in difference shall be referred to Arbitration in manner herein-after provided.

Meetings of Joint Committee.

8. The Joint Committee shall have and may exercise in the Names of the Companies all the Powers conferred by the Act of 1866 with reference respectively to the entering into Contracts with Landowners and

Powers of Joint Committee.

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and others, the Purchase of Lands, and the Construction, Completion, and Maintenance of the Railway, but so as not to prejudice or interfere with any Contract already made by the *Midland* Company for any or either of those Purposes, and also all the Powers of the Act of 1866 with reference to the Management and Regulation of the Railway, the making, altering, varying, repealing, and enforcing of Bye-laws, and the demanding and receiving of Tolls, and may from Time to Time fix the Amount of the Tolls to be demanded and received in respect of the Use of the Railway, not exceeding the Tolls by the Act of 1866 authorized.

Officers of
Joint Com-
mittee.

9. The Joint Committee from Time to Time may appoint and remove a Secretary and Treasurer for themselves, and may appoint and remove the Officers, Clerks, and Servants from Time to Time employed on and with respect to the Railway, except only the Officers and Servants from Time to Time employed by the Companies respectively in the actual Conveyance of Passengers, Animals, and Things, or the Management of Carriages, Locomotive Engines, or other Power.

As to Ser-
vice of
Notices on
Joint Com-
mittee.

10. Any Summons or Notice, or any Writ or other Proceeding at Law or in Equity, requiring to be served upon the Joint Committee may be served by the same being given personally to or transmitted through the Post directed to the Secretary of the Joint Committee, or if there be no Secretary, then by being given personally to or transmitted through the Post directed to the Secretary of each of the Companies.

For Repay-
ment by the
North-
western
Company of
Moiety of
Expenses
incurred by
Midland
Company.

11. The *North-western* Company shall, within Two Months after the Receipt from the *Midland* Company of an Account in Writing, verified by the Signature of the Secretary and Chairman of that Company, of the Outlay and Expenses of every kind incurred by them in applying for and obtaining the Act of 1866, and in and about the Execution of the Act of 1866, up to the Time of the passing of this Act, stating the Items of such Expenditure, repay to the *Midland* Company One Half of such Outlay and Expenses, and in default of Payment by the *North-western* Company the Amount due from them may be recovered by the *Midland* Company in any Court of competent Jurisdiction, and all Liabilities incurred in or about the Execution of the Act of 1866 after the passing of this Act shall be paid and discharged by the Joint Committee: Provided that the *North-western* Company may, if they think fit, require the Production of Proofs and Vouchers for any Monies paid or expended by the *Midland* Company as aforesaid, and all Contracts, Deeds, Papers, and other Documents relating to any Liabilities incurred by that Company as aforesaid shall be delivered by them to the Joint Committee.

12. All

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12. All Lands purchased previously to the passing of this Act for the Purposes of the Railway the Conveyance of which shall be then completed shall thereupon by virtue of this Act vest in, and the Title Deeds and Writings relating thereto shall belong to, the Companies jointly for their joint Benefit; and all Lands then purchased for the Purposes of the Railway the Conveyance of which shall not be then completed, and all Lands hereafter purchased for the Purposes of the Railway, shall be conveyed to and vested in the Companies jointly, and all such several Lands shall be for ever after held and enjoyed by the Companies jointly for the Purposes of the Railway: Provided always, that the Form of Conveyance of Lands prescribed by "The Lands Clauses Consolidation Act, 1845," may be used, with the requisite Alterations thereof, for the Conveyance of Lands to the Companies jointly.

Vesting of Lands for the Railway in the Companies jointly.

13. All Chattels acquired by the *Midland* Company prior to the passing of this Act for the Purposes of the Railway, the Cost of which shall be included in the Accounts delivered by the *Midland* Company to the *North-western* Company under this Act, shall be the Property of the Companies in equal Proportions as if the same had been purchased or acquired by the Joint Committee.

Chattels acquired by *Midland* Company for Railway to belong to the Companies.

14. The Companies respectively shall have equal Rights each with the other in all respects as to working over and using, and may work over and use, the Railway, and the Works, Stations, and Conveniences thereof, free of all Tolls, Rates, and Charges, except for local Traffic, and no Preference, Priority, or other Advantage shall be given to or taken by either of the Companies over or to the Exclusion or Disadvantage of the other of them.

The Companies to have equal Rights in respect of Railway.

15. The Tolls, Rates, or Charges from Time to Time received in respect of the local Traffic of the Railway, after allowing Twenty-five *per Centum* thereout for Working Expenses to the carrying Company, and from Third Parties using the same, shall be divided between the Companies in equal Moieties.

As to Payment of Tolls.

16. The Joint Committee shall cause proper Books of Account to be kept containing accurate Statements of all Receipts and Expenditure in the Execution of the Act of 1866 and this Act respectively in any way relating to the Railway, and also Books in which shall be entered the Minutes of all Proceedings at every Meeting of the Joint Committee, and such Books of Account and Minute Books, as well as all other Books, Papers, Writings, or Accounts relating in any Manner to the Proceedings of the Joint Committee; or having reference to the Railway, shall at all reasonable Times of the Day be open to the Inspection of the Directors of the Companies respectively, or Persons

Books of Account to be kept by Joint Committee.

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duly authorized by them, who shall also have Power during such Times as aforesaid to take or have made such Copies thereof or Extracts therefrom as they may think fit, without making any Payment for the same.

As to
Expense of
construct-
ing Railway.

17. The Expenses necessary for and attending the Purchase of Lands for and the Construction of the Railway, or otherwise in the Execution of the Act of 1866 and this Act respectively in relation to the Railway, shall be contributed by the Companies in equal Proportions.

Joint Com-
mittee may
make Calls
on the Com-
panies.

18. The Joint Committee from Time to Time may make such rateable Calls of Money upon the Companies in respect of the Amount to be contributed by them respectively towards the Construction of the Railway, and the Purchase of Lands for the Purposes of the same, as the Joint Committee think fit, and may appoint the Persons to whom and the Times and Places at which the Calls shall be paid.

Capital
authorized
by Act of
1866 to be
contributed
by the Two
Companies.

19. The Monies by the Act of 1866 authorized to be raised by the Creation of Shares and by borrowing shall, anything in that Act to the contrary notwithstanding, be raised by the *Midland* Company and the *North-western* Company in the Manner and to the Extent following; (that is to say,) as to one Moiety of the Monies so authorized to be raised and borrowed respectively by the *Midland* Company in the Manner prescribed by the Act of 1866, and as to the other Moiety of those Monies respectively by the *North-western* Company by the Creation of Shares in their Undertaking and by borrowing as authorized by this Act: Provided always, that the Powers for the raising of Money granted by the Act of 1866 shall not be exercised by the *Midland* Company to an Extent exceeding One Half of the Sums which they are thereby authorized to raise by Shares and borrowing respectively.

Recovery
of Calls in
arrear.

20. If at the Time appointed by the Joint Committee for the Payment of any Call either of the Companies fail to pay the Amount of the Call, the Joint Committee may in its own Name sue the Company in default for the Amount thereof, with such Interest as hereinafter mentioned, in any Court of competent Jurisdiction, and may recover the same and the Interest thereon from the Day on which the Call was payable.

Interest on
Calls in
arrear.

21. If on or before the Day appointed for Payment of any Call either of the Companies do not pay the Amount thereof to which they are liable, then the Company in default shall pay for the same while in arrear Interest at such Rate not exceeding Five Pounds *per Centum per Annum* as the Joint Committee appoint: Provided that
not

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not less than Twenty-eight Days Notice of every Call shall be given by the Joint Committee.

22. The Expenses necessary for and attending the general Management, Regulation, Maintenance, Repair, and Control of the Railway shall, subject as herein-after provided, be paid in equal Proportions by the Companies: Provided always, that if the Companies carry the Through Traffic in unequal Proportions, the Company carrying the Excess of such Traffic shall pay any extra Expense of the Maintenance, Repair, or otherwise caused thereby, the Amount of such extra Expense in case of Difference to be settled by the Joint Committee or the Arbitrator to be appointed as herein-after provided; and the Companies respectively shall from Time to Time, upon Demand thereof by the Joint Committee, pay to the Joint Committee the Sum or Sums of Money payable by them respectively in Liquidation of Expenses already incurred, and the Amount so due, with Interest thereon at the Rate of Five Pounds *per Centum per Annum*, may be recovered from the Company liable to the Payment thereof (if unpaid for Fourteen Days after Demand thereof in Writing) by Action of Debt at the Suit of the Joint Committee, and it shall be sufficient to aver that the Amount claimed has been declared by the Joint Committee or found by Arbitration to be due from the Company sued, and the Production of the Minute Books of the Joint Committee containing such Declaration, or of the Award on any Arbitration, shall be sufficient Evidence of the Averment.

As to Expenses of Management.

23. All Actions, Suits, Indictments, and other Proceedings at Law or in Equity, or otherwise in relation to the Railway, which might be brought and prosecuted by or against either of the Companies if that Company were solely authorized to execute the Powers of the Act of 1866, may be brought and prosecuted by or against the Companies jointly, or either of them.

Actions, &c. by and against the Companies and Joint Committees.

24. If any Action, Suit, Indictment, or other Proceeding at Law or in Equity shall be brought or prosecuted against the Companies jointly for any Act or Default committed or incurred wholly or for the greater Part by one of the Companies, the other of the Companies shall be entitled to recover in any Court of competent Jurisdiction from the Company by whom such Act or Default shall have been so committed or incurred the whole or a fair Proportion of any Damages, Penalties, Costs, or other Payments to which the Companies jointly shall have been adjudged or become liable by reason of any Action, Suit, Indictment, or other Proceeding at Law or in Equity.

One Company entitled to recover from the other the whole or a fair Proportion of Damages where Action brought against the Companies jointly.

25. If any Action, Suit, Indictment, or other Proceeding at Law or in Equity shall be brought or prosecuted against either of the Companies

One Company entitled to recover

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from the other fair Proportion of Damages where Action is brought against either of the Companies separately.

Companies separately for any Act or Default committed or incurred wholly or in part by the Companies jointly, the Company against which such Action, Suit, Indictment, or other Proceeding at Law or in Equity shall have been brought or prosecuted shall be entitled to recover from the other Company in any Court of competent Jurisdiction a fair Proportion of any Damages, Penalties, Costs, or other Payments to which such first-named Company shall have been adjudged or become liable by reason of any Action, Suit, Indictment, or other Proceeding at Law or in Equity.

Settlement of Disputes by Arbitration.

26. If any Difference shall arise between the Companies as to the Amount of the Outlay and Expenses incurred by either of them in and about the Execution of the Act of 1866 either up to the Time of or after the passing of this Act, or if there shall arise any Difference of Opinion in the Joint Committee in reference to the Railway, or on any Question entertained by them connected therewith, or if any Question shall arise between the Companies as to the Duties, Liabilities, or Obligations of either of them under this Act, and for the Settlement of which no Provision has been otherwise made, every such Difference shall from Time to Time as the same may arise be referred to the Determination of an Arbitrator to be nominated by the Companies within Eight Days after Notice and Request of either of them in Writing to the other of them, failing which the same shall be referred to the Determination of an Arbitrator to be appointed by the Board of Trade upon the Application of either of the Companies, and any Arbitrator so from Time to Time appointed shall have all the Powers and Authorities of a single Arbitrator appointed by Agreement between Companies under the Provisions of the "Railway Companies Arbitration Act, 1859."

Decisions of Arbitrator to be binding.

27. The Decision of the Arbitrator shall be binding with respect to the Matters referred to him, and the Arbitrator for the Time being shall, on the Request of either of the Companies, review any previous Decision which may have been come to, but so that such Revision shall have a prospective Operation only, and shall not affect any Matter or Thing done or suffered under the Decision so reviewed.

Power to North-western Company to raise additional Money by Creation of Shares.

28. The *North-western* Company may from Time to Time for the Purposes of their Contribution towards the Capital authorized by the Act of 1866, and for the other Purposes by this Act authorized, raise by the Creation and Issue of Shares in their Undertaking such Sums of Money as they shall think necessary not exceeding Two hundred thousand Pounds, exclusive of the Monies which they are or may be authorized to raise by any other Act or Acts of Parliament, and the said Company may create and issue such Shares either wholly or partially

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partially as ordinary or wholly or partially as preferential Shares, as they may think fit; and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters, (that is to say,) .

- The Distribution of the Capital of the Company into Shares;
- The Transfer or Transmission of Shares;
- The Payment of Subscriptions and the Means of enforcing the Payment of Calls;
- The Forfeiture of Shares for Nonpayment of Calls;
- The Consolidation of Shares into Stock;
- The Remedies of Creditors of the Company against the Shareholders;
- The General Meetings of the Company;
- The making of Dividends;
- The giving of Notices;
- The Provision to be made for affording Access to the Special Act;

And Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," shall extend and apply to the *North-western* Company, and to the additional Capital which they are by this Act authorized to raise.

29. The *North-western* Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

30. If by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the *North-western* Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, the said Company, if they think fit, may raise by the Creation and Issue of new Shares of one and the same Class all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares.

New Shares raised under this Act and any other Act of this Session may be of same Class.

31. The Share Capital created by the *North-western* Company under this Act, and the Shares therein, and the Holders of those Shares respectively, except any Share Capital and Shares therein to which a preferential Dividend is attached, and the Holders of those Shares respectively, shall be subject and entitled to the same Powers, Provisions, Forfeitures, Liabilities, Rights, Privileges, and Incidents whatsoever in all respects as if that Capital were Part of the now

Except as otherwise provided new Shares created by *North-western* Company to be subject to same Incidents as

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existing

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Ordinary Shares.

existing ordinary Share Capital of the *North-western* Company, and those Shares were Shares in that ordinary Capital.

Dividends on new Shares created by *North-western* Company.

32. Every Person who becomes entitled to a Share created by the *North-western* Company under this Act shall in respect of the same be a Shareholder in that Company, and shall be entitled to a Dividend, either preferential or ordinary, as the Case may be, with the other Holders of Shares of the same Class or Description, proportioned to the whole Amount from Time to Time called and paid on such new Shares.

Votes and Qualifications in respect of Shares created by *North-western* Company.

33. The Holders of the Shares created under this Act shall have Rights of voting and Qualifications in respect thereof on the Principle that each Sum of One hundred Pounds paid up in respect of the Shares held by any such Holder shall be deemed equivalent to One original Share of One hundred Pounds in the Capital of the *North-western* Company as prescribed by their Act of Incorporation: Provided that no Person shall be entitled to vote in respect of any less Amount than One hundred Pounds paid up: Provided also, that (unless otherwise specified in any Resolution of the said Company) no Person shall be entitled to vote in respect of any Share created or issued under this Act to which a preferential Dividend shall be assigned.

Company may create and issue Stock in lieu of Shares.

34. The *North-western* Company may raise by the Creation of Stock the Money which they are by this Act authorized to raise by the Creation of Shares, or any Part thereof, and may direct that such Stock shall be paid up in full at once or by Instalments, as the Company think fit; and the Company may create and issue such Stock either wholly or partially as ordinary or wholly or partially as preferential Stock, as they may think fit; and all the Provisions of this Act with respect to the Shares by this Act authorized to be created, and the Holders thereof, shall, so far as applicable, apply to the Stock created under the Authority of this present Enactment, and the respective Holders thereof, as fully and effectually as if those Provisions were re-enacted in respect of that Stock and the respective Holders thereof: Provided that the Company shall not issue any Certificate of such Stock, or register any Transfer thereof, until the Stock in respect of which the Certificate is issued or the Transfer is made is fully paid up.

Power to borrow on Mortgage.

35. The *North-western* Company may from Time to Time, for the Purposes of their Contribution towards the Money by the Act of 1866 authorized to be raised by borrowing, and for the other Purposes by this Act authorized, borrow on Mortgage any Sum not exceeding

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exceeding in the whole Sixty-six thousand six hundred Pounds, exclusive of the Monies which they are or may be authorized to borrow under any other Act of Parliament, but no Part of the said Sum of Sixty-six thousand six hundred Pounds shall be borrowed until Shares or Stock for the whole of the said Capital of Two hundred thousand Pounds shall have been issued and taken up, and One Half of the Amount thereof shall have been paid up, and the *North-western 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 or Stock for the whole of the said Capital of Two hundred thousand Pounds 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 or Portion of Stock in such Capital has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Shares or Stock were issued and taken *bonâ fide*, and are held by the Persons to whom the same were issued, or their Assigns, and that such Persons or their Assigns are legally liable for the same; and upon Production to such Justice of the Books of the *North-western Company*, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof; and the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the borrowing of Money and with respect to the Conversion of the borrowed Money into Capital, shall extend and apply to the *North-western Company*, and to the Money borrowed under the Authority of this present Enactment.

36. Every Provision in any Act passed before the present Session of Parliament whereby the *North-western Company* is authorized 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 Principal Money, or of Principal Money 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.

Repealing Provisions of former Acts with respect to Appointment of a Receiver.

37. The Mortgagees of the *North-western 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 authorize the Appointment of a Receiver the Amount of Principal, or Principal and Interest, owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Ten thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

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Existing
Mortgages
to have
Priority.

38. All Mortgages and Bonds granted by the *North-western* Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages and Bonds have Priority over any Mortgages to be granted by virtue of this Act.

Power to
create
Debenture
Stock.

39. The *North-western* Company may create and issue Debenture Stock, and may attach thereto such fixed and perpetual preferential Interest, not exceeding the Rate of Five Pounds *per Centum per Annum*, as they shall think fit; and Part III. of "The Companies Clauses Act, 1863," extends and applies to the *North-western* Company, and to the Debenture Stock created by them under the Authority of this Act.

Application
of Monies.

40. All Monies raised by the *North-western* Company under this Act, whether by Shares or borrowing, shall be applied only to the Purposes of the Act of 1866 and this Act, or to other Purposes of their Undertaking connected therewith.

Power to
apply Cor-
porate Funds
to Purposes
of Act.

41. The *North-western* Company may apply to the Purposes of the Act of 1866 and this Act, and to other Purposes of their Undertaking connected therewith, any of the Monies which they now have in their Hands, or which they have Power to raise by Shares or Mortgage by virtue of any Acts relating to that Company, and which may not be required for the Purposes to which they are by any such Acts made specially applicable.

Running
Powers over
Portions of
Midland
Railway.

42. The *North-western* Company may pass over, work, and use with their Engines and Carriages of every Description, and with their Clerks, Officers, and Servants, the Railways or Portions of Railway herein-after described, together with and including the Stations, Sidings, Booking Offices, Watering Places, Warehouses, Wharves, and other Works and Conveniences connected therewith respectively, except as herein-after provided; (that is to say,)

The Railways of the *Midland* Company from *Tamworth* and *Wichnor* to *Derby*:

And for the Purposes of Traffic passing to, from, and over the Railway authorized by the Act of 1866, the existing *Midland* Railway to and from all the Collieries on the *Burton and Leicester* Railway, or any Branches therefrom:

Provided always, that the Power hereby granted shall not extend to or include the Goods Stations of the *Midland* Company at *Burton* and *Derby* respectively, but shall include the Junction Line from the *Midland* Railway near *Tamworth* to the *Trent Valley* Railway near

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near that Place, as authorized by an Act passed in the last Session of Parliament.

43. Subject to the Provision herein-after contained with respect to the Tolls to be paid for the Use of the *Midland* Railway from *Wichnor* to *Burton-upon-Trent*, the Tolls to be paid by the *North-western* Company in respect of the Exercise of the Running Powers by this Act conferred upon them shall be the Mileage Proportion (after deducting the usual Clearing House Terminals, and a reasonable Allowance for Working Expenses, to be settled by Arbitration in case of Difference,) due to the *Midland* Company of the Through Rates and Fares charged by the *North-western* Company, with a further reasonable Allowance for the Use of Stations and Conveniences attached thereto, such Allowance to be settled in case of Difference by Arbitration as aforesaid: Provided always, as regards the Portion of the *Midland* Railway between *Wichnor* and *Burton-upon-Trent*, that the Tolls to be paid by the *North-western* Company in respect of Traffic to and from *Burton-upon-Trent* shall be the Tolls set forth in the Second Schedule to this Act, being the Tolls mentioned as agreed upon between the Companies in the Offer set forth in the First Schedule to this Act.

Terms on which Running Powers to be exercised.

44. The *North-western* Company in exercising the Running Powers by this Act conferred upon them shall at all Times observe the Regulations and Byelaws for the Time being in force on the *Midland* Railway, so far as such Byelaws shall be applicable to the *North-western* Company, and shall not in exercising the Powers herein-before granted take up at any Station of the *Midland* Company upon the Portion of the *Midland* Railway so run over any Passengers, Parcels, Animals, Goods, or Minerals, and deliver the same at another Station of the same Company, and if the *North-western* Company violate this Enactment they shall for every such Violation pay to the *Midland* Company Fifty Pounds by way of Penalty.

Byelaws to be observed.

45. During the Exercise by the *North-western* Company of the Running Powers by this Act conferred upon them the Railway of that Company, and the Railways or Portions of Railways in respect of which those Running Powers are from Time to Time exercised, shall, for the Purpose of determining the Amount of the Tolls and Charges to be demanded and taken by the *North-western* Company in respect of Traffic conveyed partly on the one Railway and partly on the other Railway for a less Distance than Six Miles, be deemed to be One Railway, and in respect of that Traffic Tolls and Charges may only be charged as for Six Miles, and in respect of Passengers for every Mile or Fraction of a Mile beyond Six Miles Tolls and Charges as

Tolls on Traffic conveyed partly on Portion of Railway used by *North-western* Company and partly on the Railway of that Company.

[Local.]

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for One Mile only, and in respect of Animals and Goods for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Six Miles Tolls and Charges as for a Quarter of a Mile only, and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, and Goods partly on the one Railway and partly on the other Railway.

Interest not to be paid on Calls paid up.

46. The *North-western* Company shall not, out of any Money by this Act authorized to be raised by Calls, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent that 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 the Companies Capital.

47. The Companies respectively shall not, out of any Money by any Act relating to them respectively authorized to be raised for the Purposes of such Act, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now or hereafter in force, is required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Companies respectively to construct any other Railway, or execute any other Work or Undertaking.

Railways, &c. not exempt from Provisions of present and future General Acts.

48. Nothing herein contained shall be deemed or construed to exempt the Railways of the Companies, or the Companies, from the Provisions of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or the Rates for small Parcels.

Expenses of Act.

49. All the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Companies in equal Moieties.

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SCHEDULES referred to in this Act.

FIRST SCHEDULE.

OFFER on behalf of MIDLAND RAILWAY COMPANY agreed to on behalf of LONDON AND NORTH-WESTERN RAILWAY COMPANY.

The North-western Company to be at liberty, by Power to be obtained in the Session of 1867 or 1868, to become Joint Owners of the Lines in the Ashby and Nuneaton Bill of this Session, on contributing Half the Cost, and thereupon to be entitled to equal Rights with the Midland Company in those Lines, and to have Running Powers at Mileage Rates (and with a reasonable Allowance for Working Expenses), to be settled by Arbitration in case of need, over the existing Midland Railway to all the Collieries on the Burton and Leicester Railway, or any Branches therefrom, with Use of Stations, Works, and Conveniences, and also Running Powers at Mileage Rates from Tamworth and Wichnor to Derby, the Payment of Tolls from Wichnor to Burton-upon-Trent remaining as now agreed (including the Junction Line now proposed at Tamworth), with the Use of all the Midland Stations, Works, and Conveniences on such Portions of Line, except the Goods Stations at Burton and Derby, local Traffic on the Midland Line being protected in the usual Way.

Any extra Payment for Use of Stations and Conveniences attached to Stations to be settled by Arbitration in case of need.

SECOND SCHEDULE.

SCHEDULE of TOLLS to be paid by LONDON AND NORTH-WESTERN COMPANY between WICHNOR and BURTON.

First-class Passengers	-	-	-	-	1½d. per Mile.
Second	-	-	-	-	1d. „
Third	-	-	-	-	¾ths of a Penny per Mile.
First-class ordinary Return Tickets	-	-	-	-	2¼d. per Mile.
Second	-	-	-	-	1½d. „
First-class Excursionists conveyed in Excursion Trains,					} 75 per Cent. of Fares charged after Deduction of Commission at Clearing House Rate.
Covered	ditto	Short-time Trips			
First	ditto	Long-time Trips			
Covered	ditto	Long-time Trips			

Goods,

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Goods, special, 1, 2, 3, 4, and 5 Classes, as per Clearing House Classification	- - - - -	2d. per Ton per Mile.
Minerals, as per Clearing House Classification	- - - - -	$\frac{3}{4}$ ths of a Penny per Ton per Mile.
Coal and Coke	- - - - -	$\frac{1}{2}$ d. per Ton per Mile.
Cattle and Horses in Trucks	- - - - -	4d. per Waggon per Mile.
Horse in Boxes per Passenger Train	- - - - -	2d. each per Mile.
Private Carriages	- - - - -	3d. each per Mile.
Dogs for any Distance	- - - - -	2d. each.
Parcels, any Weight, any Distance	- - - - -	2d. each.
Fish, Meat, Game, Poultry, Vegetables, Fruit, Ice, excess Luggage, &c.	- - - - -	75% of Mileage Rate.
Corpses	- - - - -	9d. each per Mile.
Excess Fares same as Passenger Tolls. Carriages, Waggon, and Locomotive Engines conveyed in accordance with Clearing House Classification of Goods; Page 144 of 1863 Edition of Railway Clearing House Regulations	- - - - -	3d. per Mile.
Furniture Vans and Commercial Travellers Van	- - - - -	3d. per Mile.
Boats	- - - - -	According to Number of Carriage Trucks used.
Horse Boxes used for Conveyance of small Animals, Plants, Furniture, &c.	- - - - -	Same as Horses, according to Number of Stalls occupied.
Perambulators	- - - - -	1s. each for any Distance.
Invalid Chairs	- - - - -	1s. 6d. " "
Milk	- - - - -	6d. per Can of any Size for any Distance.
Empties chargeable under Clearing House Regulations	- - - - -	4d. each for any Distance.

Other Articles not enumerated to be charged according to the Tolls which the London and North-western and Midland Railway Companies respectively are empowered to charge; Distances according to the Clearing House Tables and Regulations.

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