



## CHAP. lxxxiii.

An Act for conferring additional powers on the Midland Railway Company for the construction of new works ; for extending the periods for the purchase of certain lands, and for the construction of certain authorized Railways ; and for other purposes. A.D. 1869.  
[12th July 1869.]

**W**HEREAS it is expedient that the Midland Railway Company (herein-after called "the Company") should be empowered to construct a short curve to connect their Leicester and Hitchin Line with the South Leicestershire Railway :

And whereas plans and sections showing the line and levels of the railway by this Act authorized to be constructed, and the lands by this Act authorized to be acquired, with a book of reference to such plans, have been deposited with the clerk of the peace for the county of Leicester, which plans and sections and book of reference are in this Act referred to as the deposited plans, sections, and book of reference :

And whereas it is expedient that the powers conferred upon the Company by the Midland Railway (Bristol Line) Act, 1863, (herein-after referred to as "the Bristol Line Act, 1863",) for the purchase of lands for the purposes of the railway thereby authorized should be revived :

And whereas it is expedient that the time limited by the Midland Railway (Chesterfield to Sheffield) Act, 1864, for the construction of the railway and works by that Act authorized should be extended :

And whereas it is expedient that the time limited by the Midland Railway (Bath and Thornbury Lines) Act, 1864, for the construction of the railways and works by that Act authorized should be extended :

And whereas it is expedient that the time limited by the Midland Railway (Mansfield, &c. Lines) Act, 1865, for the construction of the railways and works by that Act authorized should be extended :

A.D. 1869.

And whereas it is expedient that the time limited by the Midland Railway (new lines and additional powers) Act, 1865, for the construction of the following railways and works authorized by that Act, namely, the railway from Breedon to Ashby, the railway from Duffield to Selston, and the Morton branch (being the railways first, thirdly, and eleventhly described in that Act), should be extended :

And whereas it is expedient that the respective periods limited by the Midland Railway (Branches, &c.) Act, 1866, for the purchase of lands for and for the construction of the railway to the Sheep-bridge Iron and Coal Company's tramway by that Act authorized and therein sixthly described should be extended :

And whereas by the Bristol Joint Station Act, 1865, after reciting that the Company then used the passenger station at Bristol of the Great Western Railway Company (herein-after called "the Great Western Company") under arrangements with that Company, the Company, the Great Western Company, and the Bristol and Exeter Railway Company were empowered to enter into agreements with a view to providing a joint station at Bristol for the accommodation of the passenger and other traffic of the three Companies : And whereas no agreement has yet been entered into for the construction of such joint station, and it is expedient that until such agreement is entered into and such joint station is completed the Company should be empowered to continue to use the passenger station of the Great Western Company at Bristol and the narrow gauge lines of railway connected therewith :

And whereas it is expedient that further provision should be made with respect to the letting on lease by the Company of their superfluous lands :

And whereas it is expedient that the Company should be empowered to raise by the creation and issue of shares of the same class all or any of the monies which they now are and which by this Act or any other Act of this session they may be authorized to raise by shares in their undertaking :

And whereas it is expedient that facilities should be afforded to the Company for raising on mortgage the monies which by the Midland Railway (additional powers) Act, 1868, they are authorized to borrow :

And whereas it is expedient that the Company should be empowered to raise a further sum of money for the purposes of this Act :

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: A.D. 1869.

1. This Act may be cited for all purposes as "The Midland Railway (Additional Powers) Act, 1869." Short title.

2. The following Acts and parts of Acts are, except where expressly varied by this Act, incorporated with and form part of this Act; (that is to say,) 8 & 9 Vict.  
cc. 16. 18.  
& 20.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
cc. 92. & 118.  
incorporated.

The Lands Clauses Consolidation Act, 1845:

The Lands Clauses Consolidation Acts Amendment Act, 1860:

The Railways Clauses Consolidation Act, 1845:

Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act, 1863:

The provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; namely,—

The transfer and transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

For forfeiture of shares for nonpayment of calls;

The consolidation of shares into stock;

The remedies of creditors of the Company against the shareholders;

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

The conversion of borrowed money into capital;

The provision to be made for affording access to the special Act; and

Part II. (relating to additional capital) of the Companies Clauses Act, 1863.

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: Interpreta-  
tion of terms.

The expression "the Company" means the Midland Railway Company;

The expression "the Great Western Company" means the Great Western Railway Company; and

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and

A.D. 1869.

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.

Power to  
make railway  
according to  
deposited  
plans.

4. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described, with all proper stations, approaches, works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans, and described in the deposited book of reference, as may be required for that purpose. The railway herein-before referred to and authorized by this Act is—

The Wigston Junction curve (five furlongs or thereabouts in length) to connect the Leicester and Hitchin line of the Company with the South Leicestershire Railway, and situate in the county of Leicester.

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

Powers for  
compulsory  
purchases  
limited.

5. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for  
completion  
of works.

6. The railway shall be completed within five years from the passing of this Act.

Imposing  
penalty  
unless rail-  
way be  
opened.

7. If the Company fail within the period limited by this Act to complete the railway authorized to be made by this Act, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the sum of eight thousand pounds, being the estimated cost of the said railway, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following

A.D. 1869.

section of this Act, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in the said third section of the 17 & 18 Vict. c. 31, to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the 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.

8. 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 said railway, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

Providing for application of penalty in compensation to parties injured by non-completion of railway.

9. If the railway authorized by this Act shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the Company for making and completing the said railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

On expiration of time limited for completion of railway, powers to cease.

10. The powers conferred on the Company by the Bristol Line Act, 1863, for the compulsory purchase of lands and houses for the purposes of the railway and works by that Act authorized are

Reviving powers for purchase of lands for Bristol line.

A.D. 1869.

hereby revived, and may be exercised by the Company for the period of two years from the passing of this Act, and on the expiration of that period such powers shall cease.

As to  
crossing of  
floating  
harbour at  
Bristol.

**11.** Provided, that in executing the works authorized by the Bristol Line Act, 1863, for carrying the railway thereby authorized over the floating harbour in the city of Bristol, the Company shall not interfere with the existing bridge over the said harbour further than may be necessary for the widening of the said bridge, and that in such widening the Company shall maintain the same height and span for their arches as the height and span of the arches of the existing bridge, and that all works to be executed by the Company with relation to the said floating harbour shall be done to the reasonable satisfaction of the engineer of the mayor, aldermen, and burgesses of the city of Bristol.

Pipes of  
Bristol gas  
and water  
Companies  
not to be  
removed or  
injured.

**12.** If in the execution of the works and powers by the Bristol Line Act, 1863, authorized, or any or either of them, the Company shall have occasion to alter the level, direction, or situation of any dock, tramway, quay, street, road, or bridge, so as to render necessary or desirable the removal or alteration of the position or level of any mains or pipes of the Bristol United Gaslight Company or the Bristol Waterworks Company, the Company shall give fourteen days notice to the said Gaslight Company or the said Waterworks Company, as the case may be, and the said Gaslight Company or the said Waterworks Company shall forthwith make such removal or alteration as may be so rendered necessary or desirable as aforesaid and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the Company: Provided always, that this clause shall not in any way diminish or prejudice the rights and privileges of the said Gaslight Company or the said Waterworks Company.

For protec-  
tion of the  
Bristol  
United Gas-  
light Com-  
pany and the  
Bristol  
Waterworks  
Company.

**13.** Nothing in the Bristol Line Act, 1863, contained shall interfere with the exercise by the Bristol United Gaslight Company or the Bristol Waterworks Company of the powers and privileges conferred upon them respectively by any Act or Acts of Parliament relating to them respectively of laying down and maintaining and as occasion may require of repairing or altering any pipes in and under any of the public streets or thoroughfares upon which any works may under the authority of the Bristol Line Act, 1863, be executed: Provided always, that the said Gaslight Company and the said Waterworks Company shall, with all reasonable despatch, and to the reasonable satisfaction of the Company and in the manner directed by the Company, enter upon

and make such repairs and alterations, and the said Gas Company or Waterworks Company shall in the execution thereof in no case interfere with or in anywise impede the working and use of any railway of the Company or any works relating thereto.

A.D. 1869.

14. The period limited by the Midland Railway (Chesterfield to Sheffield) Act, 1864, for the construction of the railways and works by that Act authorized (which are hereafter referred to as "the Chesterfield and Sheffield Railway") is hereby extended for the period of one year from the twenty-fifth day of July one thousand eight hundred and sixty-nine, and section thirteen of the Midland Railway (Chesterfield to Sheffield) Act, 1864, shall be and the same is hereby repealed.

Extending  
time for  
completion of  
Chesterfield  
and Sheffield  
Railway.

15. If the Company fail within the period limited by this Act to complete the Chesterfield and Sheffield Railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until that 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 sum of four hundred and fifty thousand eight hundred and sixty pounds, being the amount of the estimated cost of that railway; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in the said third section of the 17 & 18 Vict. c. 31, to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the said 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.

Imposing  
penalty  
unless Ches-  
terfield and  
Sheffield  
Railway  
opened.

16. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said Chesterfield and Sheffield Railway or any

Providing  
for applica-  
tion of  
penalty in  
compensa-  
tion to  
parties in-  
jured by non-

A.D. 1869.

completion of  
Chesterfield  
and Sheffield  
Railway.

portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company of taking property in respect of the said railway, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

If Chester-  
field and  
Sheffield  
Railway not  
completed,  
powers to  
cease.

17. If the Chesterfield and Sheffield Railway shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the Company for making and completing that railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Extension of  
time for  
completion  
of Bath and  
Thornbury  
lines.

18. The period limited by the Midland Railway (Bath and Thornbury Lines) Act, 1864, for the construction and completion of the railways and works by that Act authorized (which are hereinafter referred to as "the Bath and Thornbury lines") is hereby extended for the period of one year from the fourteenth day of July one thousand eight hundred and sixty-nine, and section fourteen of the Midland Railway (Bath and Thornbury Lines) Act, 1864, shall be and the same is hereby repealed.

Imposing  
penalty  
unless Bath  
and Thorn-  
bury lines  
opened.

19. If the Company fail within the period limited by this Act to complete the Bath and Thornbury lines the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until those railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the sum of two hundred and thirty-five thousand three hundred and two pounds, being the amount of the estimated cost of the Bath and Thornbury lines; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or



judge as is specified in the said third section of the Act 17 & 18 Vict. c. 31., to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the Bath and Thornbury lines 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.

**20.** 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 Bath and Thornbury lines, or either of them, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company of taking property in respect of those railways, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

Providing for application of penalty in compensation to parties injured by non-completion of Bath and Thornbury lines.

**21.** If the Bath and Thornbury lines shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the Company for making and completing those lines or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

If Bath and Thornbury lines not completed, powers to cease.

**22.** The period limited by the Midland Railway (Mansfield, &c. Lines) Act, 1865, for the construction and completion of the railways and works by that Act authorized (which are herein-after referred to as "the Mansfield, &c. lines"), is hereby extended, as regards the railways in that Act designated Railway No. 1., Railway No. 2, and Railway No. 3, for the period of one year, and as regards the other railways by that Act authorized for the period of

Extension of time for completion of Mansfield, &c. lines.

A.D. 1869. two years, such respective periods being computed from the fifth day of July one thousand eight hundred and seventy, and section twenty-seven of the Midland Railway (Mansfield, &c., Lines) Act, 1865, shall be and the same is hereby repealed.

Imposing  
penalty  
unless  
Mansfield,  
&c. lines  
opened.

**23.** If the Company fail within the respective periods limited by this Act to complete the Mansfield, &c. lines, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until those railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the sum of four hundred and sixty-nine thousand and fifty-one pounds, being the estimated cost of the said railways; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in the said third section of the Act 17 & 18 Vict. c. 31, to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the said railways 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 applica-  
tion of  
penalty in  
compensa-  
tion to  
parties in-  
jured by non-  
completion  
of Mansfield,  
&c. lines.

**24.** 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 Mansfield, &c. lines, or any or either of them, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company of taking property in respect of those railways, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a

A.D. 1869.

portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

**25.** If the Mansfield, &c. lines shall not be completed within the respective periods limited by this Act, then on the expiration of such respective periods the powers by this Act granted to the Company for making and completing the said railways or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

On expiration of periods limited for completion of Mansfield, &c. lines, powers to cease.

**26.** The period limited by the Midland Railway (New Lines and Additional Powers) Act, 1865, for the construction and completion of the following railways authorized by that Act, namely, the railway from Breedon to Ashby, the railway from Duffield to Selston, and the Morton branch, being the railways first, thirdly, and eleventhly described in that Act (and which railways are herein-after referred to as "the Breedon line," "the Duffield line," and "the Morton branch"), and the works connected therewith respectively, is hereby extended for the period of two years from the fifth day of July one thousand eight hundred and seventy, and section thirty of the Midland Railway (New Lines and Additional Powers) Act, 1865, so far as that section relates to the said railways respectively, shall be and the same is hereby repealed.

Extension of time for completion of certain of the railways authorized by the New Lines and Additional Powers Act, 1865.

**27.** If the Company fail within the period limited by this Act to complete the Breedon line, the Duffield line, and the Morton branch, or any or either of them, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until those railways respectively are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the sum of one hundred and sixty-four thousand six hundred and ninety-four pounds, being the amount of the estimated cost of those railways; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in the said third section of the Act 17 & 18 Vict. c. 31, to an account to be opened in the name and

Imposing penalty unless Breedon and other lines opened.

A.D. 1869.

with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the said railways by unforeseen accident or circumstances beyond their control, provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty in compensation to parties injured by non-completion of Breedon and other lines.

**28.** Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied toward 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 Breedon line, the Duffield line, and the Morton branch, or any or either of them, or any portion thereof respectively, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company of taking property in respect of those railways, or any or either of them, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

If Breedon and other lines not completed, powers to cease.

**29.** If the Breedon line, the Duffield line, and the Morton branch respectively shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the Company for making and completing those railways or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Extension of time for purchase of lands for branch to Sheepbridge Iron and Coal

**30.** The time limited by the Midland Railway (Branches, &c.) Act, 1866, for the purchase of lands required for the purposes of the railway to the Sheepbridge Iron and Coke Company's tramway by that Act authorized and therein sixthly described (and which railway is herein-after referred to as "the Sheepbridge branch"),

and the works connected therewith, is hereby extended for a period of one year from the thirtieth day of July one thousand eight hundred and sixty-nine. A.D. 1869.

Company's  
tramway.

**31.** The time limited by the said Act of 1866 for the construction and completion of the said Sheepbridge branch is hereby extended for the period of one year from the thirtieth day of July one thousand eight hundred and seventy-one, and section thirty-one of that Act, so far as that section relates to the Sheepbridge branch, shall be and the same is hereby repealed. Extension  
of time for  
completion of  
Sheepbridge  
branch.

**32.** If the Company fail within the period limited by this Act to complete the Sheepbridge branch, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until that 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 sum of eight thousand five hundred and twenty-six pounds, being the amount of the estimated cost of the Sheepbridge branch; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act, and in the same manner as the penalty provided in the third section of the Act 17 & 18 Vict. c. 31, known as the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in the said third section of the Act 17 & 18 Vict. c. 31, to an account to be opened in the name and with the privity of the Accountant General of the Court of Chancery in England in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the Sheepbridge branch 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. Imposing  
penalty  
unless  
Sheepbridge  
branch  
opened.

**33.** Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with, or otherwise rendered less valuable by the commencement, construction, or abandonment of the Sheepbridge branch, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company of taking property in respect of that railway, and for which injury Providing  
for applica-  
tion of  
penalty in  
compensa-  
tion to  
parties in-  
jured by non-  
completion of  
Sheepbridge  
branch.

A.D. 1869. — or loss no compensation, or inadequate compensation, shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company.

If Sheep-  
bridge  
branch not  
completed,  
powers to  
cease.

**34.** If the Sheepbridge branch shall not be completed within the period limited by this Act, then on the expiration of such period the powers by this Act granted to the Company for making and completing that railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

As to use  
by Company  
of passenger  
station of  
Great  
Western  
Company at  
Bristol, and  
lines of  
railway in  
connexion  
therewith.

**35.** Until the joint station at Bristol, authorized by the Bristol Joint Station Act, 1865, has been constructed, the Company may (so far as the construction of the works for that station will permit) continue to pass over and into, and use with their engines and carriages the passenger station of the Great Western Company at Temple Mead, in the city of Bristol, and the narrow gauge lines of railway of the Great Western Company extending from the railway of the Company to and into the said station, and in like manner and extent as before the passing of this Act they may also use the sidings, approaches, works, and conveniences therein or communicating therewith; and the Great Western Company shall perform all the necessary services in respect of the traffic and trains of the Company in that station as they have heretofore done; and the user of the station and the said services to be performed by the Great Western Company shall be upon such terms and conditions as may from time to time be agreed upon, or, failing agreement, as shall be settled by an arbitrator to be appointed on the request of either party by the Board of Trade; and the arbitrator may, in addition to the value of the accommodation provided and the services rendered, take into his consideration all the circumstances of the case and all arrangements (if any) between the Companies or powers (if any) affecting such lines or station: Provided always, that when and so soon as the joint station at Bristol authorized by the Bristol Joint Station Act, 1865, shall have been completed, then the power by this Act confirmed to the Company of passing over and into and using the said station, and lines of railway and other conveniences of the Great Western Company, shall cease and determine.

**36.** The Company in using or traversing the said station and lines of railway, and in using the works, buildings, and conveniences thereof respectively, in accordance with the provisions herein-before contained, shall at all times observe the regulations and byelaws for the time being in force on the railways of the Great Western Company, so far as such byelaws shall be applicable to the Company.

A.D. 1869.

Byelaws to  
be observed.

**37.** During the exercise by the Company of the powers of this Act with reference to the use of the said station and lines of railway at Bristol, the railway of the Company and the lines of railway of the Great Western Company in respect of which those 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 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 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, or goods partly on the one railway and partly on the other railway.

Tolls on  
traffic  
conveyed  
partly on the  
railway of  
the Company  
and partly on  
the railway  
of the Great  
Western  
Company.

**38.** And whereas the Company have in the construction of the railways authorized by their several Acts been compelled to purchase within the metropolis and the town of Sheffield various parcels of building ground, and to purchase and pull down various houses and buildings, and the sites thereof have not been wholly used or may not be wholly required for the purposes of their railways; and it is expedient that the Company should be enabled to grant building leases of lands which they have so purchased but not used, but without prejudice to the provisions of the Lands Clauses Consolidation Act, 1845, requiring within the respective periods prescribed by that Act the sale of superfluous lands: Therefore the Company may from time to time grant leases of any superfluous lands from time to time held by them, being lands situate within the metropolis or within the town of Sheffield, or either of them, for such terms of years, at such rents, and subject to such covenants, conditions, and stipulations, as the Company shall deem expedient with reference to the special circumstances of each demise, but every such lease shall be granted within the period prescribed for the sale of superfluous lands as applicable to the lands so leased: Provided always, that nothing herein contained shall

Power to  
grant  
building  
leases of  
certain  
superfluous  
lands.

A.D. 1869. — relieve the Company from the obligation imposed upon them to sell within the prescribed period any superfluous lands exceeding the total quantity which the Company are from time to time authorized to hold for extraordinary purposes by the several Acts relating to the Company: Provided further, that whenever by sale to various owners or otherwise the reversion upon any such lease shall be severed, the rent may be apportioned by agreement between such owners, and if such apportionment be not so settled, the same shall be settled by an arbitrator appointed by the Board of Trade; and after such apportionment the owner of each part of the reversion shall, in respect of the apportioned rent allotted or belonging to him, have the benefit of all conditions or powers of re-entry for non-payment of the original rent in like manner as if such conditions or powers had been reserved to him as incident to his part of the reversion, in respect of the apportioned rent allotted or belonging to him: Provided also, that any such agreement shall be binding only upon the parties thereto; and no such apportionment shall (unless with express consent in writing) alter, prejudice, or affect the rights or interests of any lessee of the lands in respect of which such apportionment is made, his executors, administrators, or assigns.

Power to raise additional money by creation of shares.

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

Shares not to issue until one fifth paid up.

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

As to amount and issue of new shares.

**41.** If at the time of the creation of new shares under this Act the then existing ordinary consolidated stock in the Company be at a premium, or of greater actual value (according to the market price thereof in the City of London) than the nominal value thereof, such new shares shall be of such amounts (not other than an integral number of pounds sterling per share) as will allow the same to be conveniently apportioned among the then holders of all shares or stock in the Company, (other than and except shares or stock to which any guaranteed or preferential dividend of a fixed amount



without further participation in the profits of the Company shall have been assigned,) in proportion to the number of shares or amount of stock held by them respectively, and such new shares may be either of one class or of different classes; and the directors of the Company may from time to time (but subject to the provisions of this Act) fix the amounts and times of payment of the calls on the new shares created under the powers of this Act; and every holder of shares or stock in the Company at the time of such creation as aforesaid (other than and except as aforesaid) shall, in such proportion as aforesaid, be entitled to an allotment of the new shares according to the provisions of this Act; and no holder of any shares or stock entitled to a fixed amount of dividend without further participation in the profits of the Company shall be entitled to any apportionment of any such new shares.

A.D. 1869.

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

Votes in  
respect of  
new shares.

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

Shares of  
same class  
to have like  
privileges.

44. All new shares created under this Act shall vest in and belong to such of the then shareholders as shall accept the same and pay the first instalment thereon to the amount and at the time which shall be fixed by the directors and specified in the letter offering the new shares.

Vesting  
or other  
disposition of  
new shares.

45. If any shareholder for one month after such offer of new shares fail to accept the same, and pay the first instalment called for in respect thereof, then the Company may authorize the directors to dispose of the same in such manner as they may deem most for the advantage of the Company.

Shares not  
accepted may  
be disposed  
of by Com-  
pany.

46. Except as by or under the powers of this Act otherwise provided, all new shares issued under the powers of this Act shall, in proportion to the aggregate amount from time to time paid up on the new shares held by the same person, at the same time entitle the respective holders thereof to the same dividends and profits, and confer on them the like qualifications and the like rights of voting as the like amount paid up on existing shares or stock of the

Qualifica-  
tions of new  
shares.

A.D. 1869. Company (other than and except as aforesaid): Provided always, that unless otherwise determined by the meeting sanctioning the new shares, no person shall be entitled to vote in respect of any of the new shares to which a fixed or preferential dividend or other special advantage shall be assigned.

Saving  
rights of  
existing  
preference  
shareholders.

47. 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 mortgage preference shares or stock, or any payment in respect of Midland annuities.

Power to  
borrow on  
mortgage.

48. The Company may from time to time borrow on mortgage any sum, not exceeding in the whole three thousand pounds, in addition to the sums which they are or may be authorized to borrow by any other Act or Acts of Parliament, but no part thereof shall be borrowed until shares for the whole of the sum by this Act authorized to be raised by shares shall have been issued and accepted, and one half of such sum shall have been paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for all the capital which the Company are by this Act authorized to raise by shares have been issued and accepted, and that one half of such capital 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 that such shares were issued bonâ fide and are held by the persons to whom the same were issued or their assigns, and that such persons or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may  
be enforced  
by appoint-  
ment of a  
receiver.

49. 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 authorize the appointment of a receiver in respect of principal or principal and interest the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

**50.** All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament passed before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall during the continuance of such mortgages and bonds have priority over any mortgages to be granted by virtue of this Act.

A.D. 1869.

Existing mortgages to have priority.

**51.** All monies raised under this Act, whether by shares or borrowing, shall be applied for the purposes of this Act and to no other purpose.

Application of monies.

**52.** The Company may from time to time apply for or towards all or any of the purposes of this Act any sums of money which they have already raised or are authorized 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.

Company may apply corporate funds.

**53.** Subject to the provisions of any Act already passed by which the Company are authorized to raise capital by new shares, and to the provisions of this Act and any other Act passed in the present session, whether before or after the passing of this Act, by which the Company may be authorized to raise capital by new shares, the 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 such other Acts and this Act respectively authorized to raise by means of new shares.

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

**54.** Whereas by the Midland Railway (Additional Powers) Act, 1868, the Company were authorized to raise the sum of three million seven hundred and fifty thousand pounds by the creation of shares, and to borrow on mortgage the sum of one million two hundred and fifty thousand pounds, but it was by section fourteen of that Act enacted that no part of the sum so authorized to be borrowed should be borrowed until shares for the whole of the sum by that Act authorized to be raised by shares should have been issued and accepted, and one half of such sum should have been paid up, and the Company should have given such proof in reference to the matters aforesaid as is therein provided: And whereas shares for the sum of two million pounds have been issued by the Company under the powers of the said Act and have been accepted, and a sum of upwards of one million pounds has been paid up thereon, but the Company are unable to borrow any part of the sum of one million two hundred and fifty thousand pounds by the said Act authorized to be borrowed in consequence of shares for the residue

Modifying restrictions of Additional Powers Act, 1868, as to borrowing.

A.D. 1869.

of the said sum of three million seven hundred and fifty thousand pounds not having been issued and accepted, and one half of that sum not having been paid up, and it is expedient that the restrictions imposed upon the Company by the said Act should be modified and partially removed, and that the Company should be empowered at once to exercise their borrowing powers in respect of the said sum of two million pounds: Therefore, notwithstanding anything in the said Act contained, the Company may in respect of the said sum of two million pounds (part of the said capital of three million seven hundred and fifty thousand pounds by the said Act authorized to be raised) at once borrow on mortgage any sum not exceeding six hundred and sixty-six thousand pounds: Provided always, that the Company shall not borrow on mortgage any part of the said sum of six hundred and sixty-six thousand pounds until 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 the said capital of two million pounds have been issued and accepted, and that one half of such capital 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 that such shares were issued bonâ fide and are held by the persons to whom they were issued or their assigns, and that such persons or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Midland  
Mortgage  
Preference  
Stock to be  
henceforth  
called  
"Midland  
Railway  
Debenture  
Stock."

**55.** And whereas by the Midland Railway (Rowsley and Buxton) Act, 1860, the Company are empowered to convert monies borrowed by them into stock, to be called "Midland Mortgage Preference Stock," or to create such stock in lieu of borrowing, and they have created and issued stock under that name: And whereas it would be of great convenience to the public as well as to the Company if the name of such stock were changed to that of "Midland Railway Debenture Stock:" Therefore the existing stock in the capital of the Company known as Midland Mortgage Preference Stock, and all other stock which the Company may from time to time create and issue under section 20 of that Act, shall, after the passing of this Act, be called and known as Midland Railway Debenture Stock; and the Company shall, so soon as conveniently

may be after the passing of this Act, substitute for the certificates which have been issued of Midland Mortgage Preference Stock certificates of Midland Railway Debenture Stock, without making any charge to the holders of such stock in respect of such substitution; but the Company shall not be bound to effect such substitution unless and until the certificate in respect of which the substituted certificate is to be issued has been delivered up to be cancelled, or satisfactory evidence of its loss or destruction has been given to the Company.

A.D. 1869.

**56.** The Midland Railway Debenture Stock shall remain and continue upon the same trusts, and subject to the same powers, provisoes, declarations, agreements, charges, liens, and incumbrances as immediately before the passing of this Act affect the Midland Mortgage Preference Stock, and so as to give effect to and not revoke any testamentary disposition of or affecting the same.

Midland  
Railway  
Debenture  
Stock to be  
held on same  
trusts as  
Midland  
Mortgage  
Preference  
Stock.

**57.** The Company shall not, out of any money by this Act authorized to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

Interest not  
to be paid on  
calls paid up.

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

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

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

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

A.D. 1869.  
Expenses of  
Act.

**60.** 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.

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