



CHAPTER xcvi.

An Act to confer additional powers upon the Midland Railway Company for the construction of Railways and other works and the acquisition of Lands and for raising further Capital; and upon that Company and the Great Western Railway Company jointly in respect of a portion of the Railway of the Bristol Port Railway and Pier Company: and for other purposes. A.D. 1884.
[3rd July 1884.]

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

And whereas it is expedient that the Company should be authorised to maintain their Tottenham and Hampstead North Curve as the same is constructed across Mortimer Street in the parish of Saint Pancras in the county of Middlesex: (Crossing of Mortimer Street St. Pancras.)

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

[Ch. xcvi.] *Midland Railway (Additional Powers) Act, 1884.* [47 & 48 VICT.]

A.D. 1884.
—
(Bristol Port
and Pier
Railway.)

And whereas by the Great Western and Midland Railway Companies (Clifton and Bristol) Act 1871 the Great Western Railway Company and the Company (herein-after called the two Companies) were empowered to construct and become joint owners of the railway therein referred to and authorised by the Bristol Port Railway and Pier (Clifton Extension) Act 1867 and by the same Act running powers were conferred upon the said two Companies over that portion of the railways of the Bristol Port Railway and Pier Company which extends from the junction therewith of the said Clifton Extension Railway at Sneyd Park to the termination thereof at Avonmouth :

And whereas it is expedient that the powers herein-after contained should be conferred upon the two Companies with respect to the construction of signals upon the said portion of the railway of the Bristol Port Railway and Pier Company between Sneyd Park Junction and Avonmouth :

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of the Railways Widening of Railway and other works by this Act authorised and also for the making and enlargement of stations sidings warehouses engine-sheds workshops coal wharves depôts mineral goods and other works and conveniences for the accommodation of the increased and increasing traffic on their Railways and for completing the purchase of lands and buildings for any of the above-mentioned purposes and for providing additional plant and rolling-stock block and interlocking signals and for the general purposes of their undertaking :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same as follows :—

Short title.

1. This Act may be cited for all purposes as the *Midland Railway (Additional Powers) Act 1884.*

Incorporation of general Acts.

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

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

A.D. 1884.

The Railways Clauses Consolidation Act 1845 :

Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters namely :

The transfer and transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of borrowed money into capital ;

The consolidation of shares into stock : and

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

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 :

Interpretation.

The expression "the Railway" or "the Railways" means the New Railways and the expression "the Widening" means the Widening of an existing Railway by this Act respectively authorised :

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

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

A.D. 1884.

Power to
make New
Railways and
Widening.

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

The Railways and the Widening herein-before referred to and authorised by this Act are—

The Ripley and Heanor Extensions situate wholly in the county of Derby :

No. 1 (two miles one furlong six chains and twenty-five links in length) commencing in the township of Ripley in the parish of Pentrich by a junction with the Company's Ripley Branch and terminating in the township of Pentrich in the same parish by a junction with the Company's Railway from Ambergate to Codnor Park :

No. 2 (two miles seven furlongs and seven chains in length) commencing in the township and parish of Heanor by a junction with the Company's Heanor Branch and terminating in the township of Ripley in the parish of Pentrich by a junction with Railway No. 1 in a field known as the Middle Meadow numbered 538 on the Ordnance Map scale $\frac{1}{2500}$:

No. 3 (two furlongs one chain and seventy-five links in length) commencing in the township of Ripley in the parish of Pentrich by a junction with Railway No. 2 in a field known as Tents below Godbers numbered 751 on the said Ordnance Map and terminating in the said township and parish by a junction with the Company's said Ripley Branch :

The Holwell Extension (three miles in length) situate wholly in the county of Leicester commencing in the township of Holwell in the parish of Ab-Kettleby by a junction with the Company's Holwell Branch authorised by the Midland Railway (Additional Powers) Act 1883 and terminating in the township of Chadwell with Wycomb otherwise Wykeham in the parish of Rothley by a junction with the Waltham Branch of the Great Northern Railway :

The Langton Branch (two furlongs seven chains and twenty-five links in length) situate wholly in the parish of Kirkby in Ashfield in the county of Nottingham commencing by a junction

A.D. 1884.

with the Company's Pye Bridge and Mansfield Railway and terminating by a junction with the Langton Colliery Tramway Provided that the Company shall not except by agreement purchase or acquire from the owners thereof any lands not being public roads or highways or railways required for the purposes of the said Langton Branch And the provisions of the Lands Clauses Consolidation Act 1845 enabling persons under disability to sell and convey lands shall apply to any purchase and sale of lands for the purpose of the said Branch :

The Langley Mill and Pye Bridge Widening (three miles six furlongs nine chains and twenty-five links in length) commencing in the township and parish of Heanor in the county of Derby by a junction with the Company's Erewash Valley Railway and terminating in the township and parish of Alfreton in the same county by a junction with the same Railway :

And the Company may in the construction of the said Widening carry the same across and on the level of the North and South Junctions of their Ambergate and Codnor Park Railway.

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

Tolls.

6. In altering for the purposes of the Ripley and Heanor Extensions the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connection therewith respectively (that is to say) :

Inclinations of roads.

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
48	Heanor	Public road	1 in 16 on one side and level on the other.
102	Heanor	Public road	1 in 16 on one side.
126	Heanor	Public road	1 in 16 on one side.

A.D. 1884.

For protection of Great Northern and London and North-Western Joint Committee.

7. In constructing the Holwell Extension by this Act authorised where the same passes over the Long Clawson Tunnel on the railway of the Great Northern and London and North-Western Joint Committee (in this section called "the Committee") the following provisions shall have full effect and be binding upon the Company:—

- (1) The Company shall not in any way alter or interfere with the structure of the said tunnel and in the event of any injury being caused to the same the Company shall indemnify the Committee against all loss damage or expenses which they may incur or be put to by reason of such interference or injury:
- (2) The Company shall not except by agreement purchase or take any lands of the Committee but the Company may purchase and take and the Committee shall sell and grant accordingly an easement or right of using the said lands for the purposes for which but for this section the Company might purchase and take the same.

For the protection of Thomas Richard Devereux Bingham.

8. In constructing the Holwell Extension Railway the following provisions for the protection of Thomas Richard Devereux Bingham or other the owner or reputed owner for the time being of the properties herein-after mentioned shall be observed and have effect unless otherwise agreed between the Company and the said owner (that is to say):—

- (1) The Company shall construct a bridge with a roadway of not less than twelve feet in width over the Railway where the same passes through the property numbered on the deposited plans 40 in the parish of Ab-Kettleby:
- (2) The Company shall construct an occupation level crossing over the Railway and an archway for cattle of not less than twelve feet in width and eight feet in height under the Railway where the same passes through the properties numbered on the said plans 47 49 and 50 in the said parish of Ab-Kettleby or one of them:
- (3) The Company shall construct a bridge of not less than twelve feet in width and fifteen feet in height under the Railway where the same passes through the property numbered on the said plans 5 in the parish of Wartnaby and shall also construct an occupation road along the southern side of the Railway between such last-mentioned bridge and the existing occupation road in the property numbered on the said plans 12 in the said parish of Ab-Kettleby or at the option of the owner in lieu of the said bridge and road shall but so far only as necessary lower the said existing road and carry the same under the Railway by a

bridge of not less than twelve feet in width and twelve feet in height.

A.D. 1884.

9. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the Holwell Extension Railway by this Act authorised and the junction thereof with the Waltham Branch of the Great Northern Railway and with respect to the making and maintaining of that Railway shall unless with the previous consent of the Great Northern Railway Company (herein-after called the Great Northern Company) in writing under their common seal be exercised only subject to and in accordance with the following provisions :—

For the protection of the Great Northern Railway Company.

(1) The Company shall not without in every case the previous consent of the Great Northern Company in writing under their common seal take use enter upon or interfere with the said Waltham Branch Railway or any land railway siding or other work connected therewith except only so far as shall be necessary for the purpose of making and maintaining the said Railway as the same is according to this Act to be constructed :

(2) With respect to any land of the Great Northern Company which the Company is by this Act authorised to take use enter upon or interfere with the Company shall not purchase or take the same but the Company may purchase and take and the Great Northern Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :

(3) The junction of the Holwell Extension with the Waltham Branch of the Great Northern Railway near Wykeham shall be effected at such point and in such manner and according to such mode of construction as shall be reasonably approved of by Richard Johnson or other the engineer for the time being of the Great Northern Company before the commencement of the work :

(4) The said Holwell Extension Railway by this Act authorised where the same will be made upon or across or will otherwise interfere with the Waltham Branch of the Great Northern Railway or with any railway siding or other work belonging to or worked by the Great Northern Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be submitted to and previously approved by the said Richard Johnson or other the engineer for the time being of the Great Northern Company

A.D. 1884.

who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided :

- (5.) The Company shall not in any manner in the execution of any of their works remove or disturb any of the rails of the Great Northern Railway sidings or other works or obstruct or interfere with the free uninterrupted and safe use of the Waltham Branch of the Great Northern Railway or any traffic thereon :
- (6) The Company shall bear and on demand pay to the Great Northern Company the expense of the employment by that Company during the execution of any work affecting the Waltham Branch Railway siding or other work of the Great Northern Company of a sufficient number of inspectors watchmen and signalmen to be appointed by that Company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto or otherwise :
- (7) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their contractors or otherwise any railway siding or other work of the Waltham Branch of the Great Northern Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Great Northern Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction And if any interruption or delay shall be occasioned to the traffic of or upon any such railway siding or other work of the Waltham Branch of the Great Northern Company by reason of any of the matters or causes aforesaid the Company shall pay to the Great Northern Company all costs and expenses to which that company may be thereby put as well as full compensation for all loss and inconvenience sustained by them by reason of any such interruption or delay such costs expenses and compensation to be recoverable with

full costs by the Great Northern Company from the Company in any court of competent jurisdiction :

A.D. 1884.

(8) If the Great Northern Company shall at any time hereafter be desirous for the purpose of forming branches or sidings of constructing bridges under or over the said Holwell Extension Railway the Company shall afford to the Great Northern Company all reasonable and proper facilities for the construction of such bridges according to plans to be agreed on between the respective engineers for the time being of the two Companies or in case of difference to be determined by arbitration as hereafter provided :

(9) If any difference shall arise between the Company and the Great Northern Company or their respective engineers as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

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

Period for completion of Railways.

11. If the Company fail within the period limited by this Act to complete the respective Railways by this Act authorised they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the Railway or Railways in respect of which the penalty has been incurred is or are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the amount of the estimated cost of the Railway or Railways in respect of which the penalty has been incurred :

Imposing penalty unless Railways opened.

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

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

A.D. 1884. — as is specified in the said third section of the Act 17 & 18 Vict. chapter 31 to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster-General on behalf of the Chancery Division of the High Court of Justice in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided :

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

Providing for application of penalty.

12. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the Railway or Railways in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such Railway or Railways and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the said Chancery Division may seem fit :

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

13. The construction by the Company of their Tottenham and Hampstead North Curve across the street known as Mortimer Terrace in the parish of Saint Pancras in the county of Middlesex is hereby sanctioned and confirmed and the Company may maintain and use the said Curve as so constructed and all rights of way over so much of the said street as is crossed by the said Curve are hereby extinguished.

A.D. 1884.
Construction of Tottenham and Hampstead North Curve confirmed.

14. Subject to the provisions of this Act the Company may make in the lines shown on the deposited plans and so far as the same are shown on the deposited sections according to the levels shown thereon the New Roads and Footpaths herein-after described with all proper works and conveniences connected therewith and may exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say) :

Power to make New Roads and Footpaths.

(1) They may construct three New Roads in the parish of Bulwell in the borough and county of Nottingham :

No. 1 commencing by a junction with the public road from Nottingham to Mansfield called Main Street at a point thereon three and a half chains or thereabouts north of the junction therewith of the road to Bulwell Station and terminating by a junction with the public road from Bulwell to Basford at a point thereon nine and a half chains or thereabouts measured in the direction of Basford from the centre of the level crossing of that road over the Company's Nottingham and Mansfield Railway And in connection with the said New Road they may alter the levels of Main Street for a distance of two chains or thereabouts on each side of the point of junction of the New Road therewith :

No. 2 commencing by a junction with No. 1 upon the site of the occupation road called Spring Road at a point thereon two chains or thereabouts measured along that road in a northerly direction from its junction with the road to Bulwell Station and terminating by a junction with the said occupation road at a point thereon seven chains or thereabouts measured along that road from its said junction with the road to Bulwell Station :

No. 3 commencing by a junction with No. 1 at a point thereon one chain or thereabouts east of the centre of the said Nottingham and Mansfield Railway and two chains or thereabouts north-east of the level crossing at Bulwell Station and terminating by a junction with the occupation

A.D. 1884.

road called Church Lane at a point thereon two chains or thereabouts north-east of the level crossing thereof by the said Railway :

And when and so soon as the said New Roads are completed and opened to the public the Company may stop up and discontinue—

(A) So much of the said public road from Bulwell to Basford as crosses the said Railway on the level :

(B) So much of the said occupation road called Spring Road and the public footpath thereon as lies between the commencement and termination of the New Road No. 2 as above described :

(C) So much of the said occupation road called Church Lane and of the public footpath thereon as lies between the junction of Church Lane with Spring Road and the termination of the said New Road No. 3 as above described :

(2) They may stop up and discontinue as a public highway and extinguish all rights of way over so much of the public road which crosses the Company's Birmingham and Gloucester Railway on the level at or near the Cleeve Station thereon as lies between the boundaries of the Company's property : Provided that before exercising the powers in this sub-section contained the Company shall reconstruct the bridge carrying the said road over their said Railway and rebuild such bridge of brick or iron and so that the roadway over the same shall have a clear width between the fences of twenty-five feet and the approaches thereto shall not have a greater inclination than one in twenty :

(3) They may make a New Footpath in the township of Wormhill in the parish of Tideswell in the county of Derby commencing by a junction with the existing footpath leading from Wormhill to the Company's Millers Dale Station at a point thereon seventeen chains or thereabouts measured along that footpath in a westerly direction from its junction with the public highway leading from Blackwell to Millers Dale and terminating by a junction with the same footpath at or near the north-east corner of the yard of the Company's said station And when and so soon as the said New Footpath is completed and opened to the public they may stop up and discontinue and extinguish all rights of way over so much of the said existing footpath as lies between the commencement and termination of the proposed New Footpath :

A.D. 1884.

(4) They may make a New Footpath in the parishes of Mangotsfield and Pucklechurch in the county of Gloucester commencing by a junction with the existing footpath leading from Shortwood to Siston Common at a point thereon eight chains or thereabouts measured along that footpath in a south-easterly direction from its junction with the public road leading from Shortwood to Mangotsfield and terminating by a junction with the same footpath at a point thereon two chains or thereabouts measured in a south-easterly direction from the Company's Mangotsfield north junction signal-box. The said New Footpath shall be constructed of the width throughout of five feet at the least to the satisfaction of the surveyor for the time being of the Lawford's Gate District Highway Board and shall be properly stoned and gravelled and properly fenced and a swing or wicket gate only shall be placed across the same. And when and so soon as the said New Footpath is completed and opened to the public they may stop up and discontinue and extinguish all rights of way over so much of the said existing footpath as lies between the commencement and termination of the said New Footpath.

15. The Company may in constructing the New Roads and Footpaths by this Act authorised deviate the same to the extent of the limits of deviation marked on the deposited plans relating thereto and may deviate from the levels shown by the deposited sections relating thereto to any extent not exceeding five feet but not so as to increase the rate of inclination as shown on those sections: Provided that no vertical deviation exceeding three feet shall be made without the consent of the Board of Trade.

Power to deviate in construction of New Roads &c.

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

Provisions as to repair of New Roads &c.

If any question shall arise between the Company and any of such parties as to the due completion of any New Road or Footpath such question shall from time to time be determined by two justices on the application of either of the parties in difference and after not

A.D. 1884. less than seven days' notice to both parties of the sitting of such justices for the purpose and the certificate of such justices of the due completion of such New Road or Footpath shall be conclusive evidence of the fact so certified.

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

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

Extinguishment of rights of way &c.

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

Power to acquire lands for general purposes.

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

Certain lands houses and buildings situate in the parish of Sawley in the county of Derby lying on the east side of the Company's Long Eaton goods station and on the north side of and adjoining the old turnpike road from Nottingham to Derby:

Certain lands houses and buildings situate in the townships of Litchurch and Saint Peter in the parish of Saint Peter Derby in the county of Derby lying between the Company's locomotive and gas works and the Derby Canal:

Certain lands houses and buildings situate in the parish of Saint Mary Leicester in the county of Leicester lying on the east

side of and adjoining the Company's main line of Railway near the south end of the Knighton Tunnel thereon: A.D. 1884.

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

Certain lands houses and buildings situate in the parish of Saint Andrew-the-Less in the county of Cambridge on the south of and near to the public road leading from Cambridge to Cherry Hinton known as Mill Road near the level crossing of that road over the Great Eastern Railway and on the west side of and adjoining the property of the Great Eastern Railway Company:

Certain lands houses and buildings situate in the parish of Stoke Prior in the county of Worcester adjoining and on both sides of the Company's Birmingham and Gloucester Railway near the Bromsgrove Passenger Station thereon:

Certain lands houses and buildings situate in the parishes of Oddingley and Himbleton in the county of Worcester adjoining and on both sides of the Company's Birmingham and Gloucester Railway near the Dunhampstead Station thereon:

Certain lands houses and buildings situate in the out-parish of Saint Philip and Jacob in the city and county of Bristol adjoining and on the north side of the Company's Branch Railway to the Saint Philip's Passenger Station near Regent Terrace:

Certain lands houses and buildings situate in the parishes of Saint John Hampstead and Hendon in the county of Middlesex adjoining and on both sides of the Company's main line of Railway south of Child's Hill Lane:

Certain lands houses and buildings situate in the parish of Maidstone in the county of Kent lying between the Maidstone Station on the London Chatham and Dover Railway the Cavalry Barracks the River Medway and Sandling Road.

20. For the protection of the Vestry of St. John Hampstead (in this section referred to as the Vestry) the following provisions shall have effect:—

For the protection of the Vestry of St. John, Hampstead.

(1) For the purposes of this section "the parish" means the parish of St. John Hampstead in the county of Middlesex: "sewer" includes a drain and a culvert for the carrying off of the surface water: "the surveyor" means the surveyor for the time being of the Vestry:

(2) If in or by reason of the execution of any of the powers by this Act conferred upon the Company it is at any time necessary to divert alter or interfere with any main or other

A.D. 1884.

sewers under the control and management of the Vestry the Company shall execute such diversion alteration or interference and all works connected therewith and shall also construct such further new main and other sewers culverts and works as may be rendered necessary thereby according to such plan and in such manner as may be from time to time reasonably prescribed or approved by the Vestry and to the reasonable satisfaction in all respects of the surveyor :

- (3) Before the Company execute any work or do anything whereby the flow of sewage or surface water in any sewer may be interrupted or interfered with they shall provide to the reasonable satisfaction of the surveyor a substituted sewer and connect the same with some other sewer of the Vestry :
- (4) Nothing in this Act contained shall interfere with the powers of the Vestry from time to time as they think fit to construct sewers or to repair or inspect any sewer or to make any connection or communication therewith :
- (5) While the Company are possessed under the authority of this Act of any lands houses buildings or other property assessed or liable to be assessed to any district general or special rate and until any works to be constructed in the parish are so far completed as to be assessed or liable to be assessed to an amount equal to or greater than the aggregate of the gross rateable value of the said lands houses buildings and property in the last rate made by the Vestry before the passing of this Act the Company shall be liable to make good the deficiency in the assessments by reason of such lands houses buildings or other property being taken or used by them and the deficiency shall be computed according to the rental at which such lands houses buildings and other property are now rated in the said last rate :
- (6) If any difference arise between the Company and the Vestry in relation to this section such difference shall from time to time be determined by arbitration in the manner (unless otherwise agreed on) provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

For the protection of the Estate belonging to Henry Horace Powell Cotton and his Trustees.

21. The Company shall not under the powers of this Act take any more of the land belonging to Henry Horace Powell Cotton and his Trustees situate in the parish of Saint John Hampstead in the county of Middlesex than that comprised in the Agreement dated the sixteenth day of February one thousand eight hundred

and eighty-four entered into by the said Henry Horace Powell Cotton and his Trustees and the Company and coloured pink on the plan annexed to that Agreement. A.D. 1884.

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

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

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

24. Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting lands and the provisions of the said Acts with respect to lands and rent-charges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively. Power to grant easements, &c. by agreement

25. And whereas the construction of the works and the acquisition and appropriation by the Company of lands houses and buildings by this Act authorised may involve a removal of some Provision as to accommodation for persons

A.D. 1884.

belonging to
labouring
classes.

houses occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers and it is expedient that provision should be made for the accommodation of such of the before-mentioned persons as may be displaced by such removal :

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

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

Notice to be
given of
taking
houses of
labouring
classes.

26. The Company shall not less than eight weeks before they take in any parish fifteen houses or more of the class referred to in the immediately preceding section make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses And the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Power to
Company
and Great
Western
Company
jointly in
respect of
Bristol Port
Railway and
Pier.

27. The Company and the Great Western Railway Company or either of them may enter upon so much of the railway and works of the Bristol Port Railway and Pier Company as lies between Sneyd Park Junction and the termination of that railway at Avonmouth and may alter and reconstruct the signals thereon in such way as may be necessary to enable the said portion of railway to be worked on the block system And an annual sum equal to two per centum upon the amount of any costs and expenses incurred by the two Companies or either of them (but not exceeding six hundred pounds in the whole) in and about or incident to such alteration and reconstruction shall be paid by the Bristol Port Railway and Pier Company and may be recovered by the said two Companies or either of them accordingly in any court of competent jurisdiction.

Power to
Company to

28. The Company may from time to time raise by the creation and issue of new shares or stock such sums of money as they shall

think necessary not exceeding one million two hundred thousand pounds exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament And the Company may create and issue such shares or stock either wholly or partially as ordinary or wholly or partially as preferential shares or stock as they may think fit.

A.D. 1884.

raise additional capital.

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

Shares not to be issued until one-fifth part thereof shall have been paid up.

30. If at the time of the creation of new shares or stock under this Act the then existing ordinary consolidated stock in the Company be at a premium or of greater actual value (according to the market price thereof in the city of London) than the nominal value thereof such new shares may be of such amounts (not other than an integral number of pounds sterling per share) or such new stock may be so divided as will allow the same to be conveniently apportioned among the then holders of all shares or stock in the Company (other than and except shares or stock to which any guaranteed or preferential dividend of a fixed amount without further participation in the profits of the Company shall have been assigned) in proportion to the number of shares or amount of stock held by them respectively and such new shares or stock may be either of one class or of different classes The directors of the Company may from time to time (but subject to the provisions of this Act) fix the amounts and times of payment of the calls on the new shares created under the powers of this Act And unless the Company shall at the time of the creation of the new shares or stock otherwise determine every holder of shares or stock in the Company at the time of such creation as aforesaid (other than and except as aforesaid) shall in such proportion as aforesaid be entitled to an allotment of the new shares or stock according to the provisions of this Act and upon such terms and conditions as the Company shall determine at the time of the creation of the new shares or stock But no holder of any shares or stock entitled to a fixed amount of dividend without further participation in the profits of the Company shall be entitled to any apportionment of any such new shares or stock.

As to amount and issue of new shares or stock.

31. The Company may if they think fit attach to all or any new shares or stock or any class of new shares or stock created under the powers of this Act before the creation thereof any total or

Votes in respect of new shares or stock.

A.D. 1884. — partial permanent or temporary restrictions of the rights of voting and other qualifications of the holders thereof.

Shares or stock of same class to have like privileges. Vesting of new shares or stock.

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

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

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

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

Qualifications of new shares or stock.

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

Saving rights of existing preference shareholders.

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

New shares or stock

37. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares

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

A.D. 1884.

raised under this Act and any other Act of present session may be of same class.

38. The Company may in respect of the additional capital of one million two hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking for the purposes of this Act and for the general purposes of their undertaking being in every case purposes to which capital is properly applicable any sum not exceeding in the whole four hundred thousand pounds :

Power to borrow.

But no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock (as the case may be) were issued and accepted and paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same :

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

39. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect

Provisions with respect to appointment of a receiver.

A.D. 1884. to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision :

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

Existing mortgages to have priority.

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

Company may create debenture stock.

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

Application of moneys.

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

Company may apply corporate funds.

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

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

A.D. 1884.
Great Western Railway Company may apply corporate funds to certain purposes of Act.

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

Interest not to be paid on calls paid up.

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

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

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

Provision as to general Railway Acts.

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

Costs of Act.

A.D. 1884.

SCHEDULE referred to in the foregoing Act.

Describing LANDS BUILDINGS and MANUFACTORIES whereof Portions only are required to be taken by the Company.

Parish.	Numbers on Deposited Plans.
RIPLEY AND HEANOR EXTENSIONS.	
Pentrich - - - - -	2 80 294 330 335 345
Heanor - - - - -	9 9A 23 24A
LANGTON BRANCH.	
Kirkby-in-Ashfield - - - - -	8
LANGLEY MILL AND PYE BRIDGE WIDENING.	
Heanor (Township and Parish) - - - - -	6 8
Do. (Liberty of Codnor Park) - - - - -	21 23 24 26 30 32 33
Selston - - - - -	6
Alfreton - - - - -	15
BULWELL ROADS.	
Bulwell - - - - -	17 38