



## CHAPTER lviii.

An Act to confer additional powers upon the Midland Railway Company for the construction of Works and the acquisition of Lands and for other purposes. A.D. 1893.

[9th June 1893.]

**W**HEREAS it is expedient that the Midland Railway Company (in this Act called "the Company") should be empowered to construct the new railways and the widenings of existing railways and to execute the other works and exercise the other powers in this Act mentioned and also to acquire retain hold and use 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 and other works additional lands &c.)

And whereas plans and sections showing the lines and levels of the railways 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 and other works will be made and the said lands are situate and those plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively :

(Deposit of plans.)

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

(Superfluous lands.)

And whereas it is expedient that powers should be conferred upon the Company as contained in this Act for the purpose of enabling them to store convey transmit and distribute electricity to

(Electric lighting at Derby.)

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be used for the purposes of the Company in their railway stations offices works and property at Derby :

(Capital of Company.)

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

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 Act 1893.

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 Acts :

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 or transmission of shares ;

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

The forfeiture of shares for nonpayment of calls ;

The 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) 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 :

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Interpreta-  
tion.

The expression "the railways" means the new railways and the widenings of existing railways by this Act authorised :

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.

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

Power to  
Company to  
make new  
railways &c.

The railways and works herein-before referred to and authorised by this Act to be made by the Company are—

A railway to be called the Wharncliffe Branch three miles and four furlongs in length commencing in the township of Wombwell in the parish of Darfield in the west riding of the county of York by a junction with Railway No. 2. of the Company's Chapeltown Branch Extensions authorised by the Midland Railway Act 1892 and terminating in the township of Tankersley in the parish of Tankersley in the said west riding at or near the sidings and works belonging to the Wharncliffe Silkstone Colliery Company Limited :

Wharncliffe  
Branch.

A railway to be called the Gloucester New Dock Branch one mile and three furlongs in length to be situate wholly in the county of Gloucester commencing by a junction with the Company's railway from Bristol to Gloucester and terminating at a point twenty chains or thereabouts south of the New Dock of the Sharpness New Docks and Gloucester and Birmingham Navigation Company and ten chains or thereabouts west of the Gloucester and Berkeley Canal :

Gloucester  
New Dock  
Branch.

A widening seven furlongs and eight chains in length of the Company's railway from Sheffield to Masborough to be situate wholly in the west riding of the county of York commencing in the township of Brightside Bierlow in the parish of Sheffield at a point on the said railway thirteen chains or thereabouts

Widening at  
Wincobank.

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measured in a south-westerly direction from the booking-office of the Brightside Station thereon and terminating in the township of Kimberworth in the parish of Rotherham at a point on the said railway seventeen chains or thereabouts measured in a north-easterly direction from the booking-office of Wincobank Station :

Widening at Saltley.

A widening five furlongs three chains and fifty links in length of the Company's railway from Birmingham to Derby situate wholly in the parish of Aston in the county of Warwick commencing at a point on the said railway one chain or thereabouts measured in a southerly direction from the viaduct carrying the public road known as the Saltley Road over that railway at the south end of the Saltley Station and terminating at or near the bridge carrying the London and North Western Railway over the said railway north-east of Aston Church Road.

Rates and charges for railways.

5. The railways by this Act authorised to be made by the Company shall for the purposes of maximum rates and charges for merchandise traffic be part of the railway of the Company as if the same had been part of the Midland Railway at the date of the passing of the Midland Railway Company (Rates and Charges) Order Confirmation Act 1891 and shall for all other purposes be part of the undertaking of the Company as authorised by the Midland Railway Consolidation Act 1844.

Inclinations of roads.

6. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

Number on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
28	Darfield (Worsborough Township).	Public road - -	1 in 16
3	Aston - -	Public road (disturn-piked).	1 in 27½

Power to divert roads as shown on deposited plans.

7. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so

much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :— A.D. 1893.

Railway.	Parish.	No. of Road on Plan.
Gloucester New Dock Branch	Hempsted - - -	8
	Tuffley - - -	13
Widening at Saltley - - -	Aston - - -	23

And when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

8. In constructing the Wharncliffe Branch by this Act authorised the following provisions for the protection of the Worsborough Local Board (herein-after called "the local board") shall have effect:— For the protection of the Worsborough Local Board.

(1.) The bridge carrying the said branch over the public road No. 4 on the plans deposited for the purposes of this Act in the township of Worsborough in the parish of Darfield shall be constructed with a span of thirty feet and a headway of fifteen feet :

(2.) The Company shall in all cases where the railway crosses a public footpath under the jurisdiction of the local board carry such footpath under or over the railway by a bridge and not by a level crossing :

(3.) If any difference arises between the Company and the local board with reference to the matters aforesaid such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of the local board or of the Company.

9. In constructing the Wharncliffe Branch by this Act authorised where the same will cross or affect roads and footpaths under the jurisdiction of the Hoyland Nether Local Board (in this section called "the local board") the following provisions shall have effect:— For the protection of the Hoyland Nether Local Board.

The said branch shall be carried over the bridle road numbered on the deposited plans 11 in the township of Nether Hoyland by means of a bridge eleven feet six inches wide and eleven

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feet high and in such position as shall be reasonably approved by the local board :

The public footpaths crossing the centre line of the said branch at or about one mile seven furlongs seven chains and two miles four chains shall be diverted and carried under the said branch by means of one bridge ten feet wide and eight feet high in such position as shall be reasonably approved by the local board :

The Company shall permit the local board to lay cast-iron pipes or sewers of approved dimensions under the said branch with convenient means of access thereto. Provided that the local board shall give fourteen days' notice to the Company of their intention to construct the same and such works shall be constructed under the superintendence and to the reasonable satisfaction of the principal engineer of the Company and according to plans to be reasonably approved by him in writing and the Company shall on demand pay to the local board any extra cost of the said works occasioned by the construction of the said branch.

For the protection of the Barrow Hæmatite Steel Company Limited.

**10.** The powers of this Act with respect to the making and maintaining of the railway to be called the Wharncliffe Branch by this Act authorised and the purchase and acquisition of lands therefor shall unless with the previous consent of the Barrow Hæmatite Steel Company Limited (herein-after called "the steel company") in writing under their common seal be exercised only in accordance with the following provisions for the protection of the steel company (that is to say) :—

- (1.) Except as in this section otherwise expressly provided the Company shall not without in every case the previous consent of the steel company in writing under their common seal take use enter upon or interfere with either temporarily or permanently any land railway siding or other work from time to time belonging to or leased or worked by the steel company. Provided that the Company may enter upon take and use—
  - (a.) The siding (herein-after referred to as "the existing siding") belonging to the steel company on or over which the centre line of the Wharncliffe Branch is laid down on the deposited plans relating thereto between the points on those plans indicating the distance of five and seven furlongs from the commencement of the said branch ;
  - (b.) Such parts (but such parts only) of the railway of the steel company as the Company shall find it necessary to enter upon take use or interfere with for the purpose of making and maintaining the Wharncliffe Branch :

- (2.) Before the Company shall enter upon take use or in any manner obstruct or interfere with the existing siding they shall to the satisfaction in all respects of and in such situation as shall be required by the steel company provide another siding with all necessary works conveniences and appliances in substitution therefor (herein-after in this section called "the substituted siding") equally convenient and affording equal accommodation as the existing siding for which it is substituted and the substituted siding and all works conveniences and appliances connected therewith shall when completed and the land on which the same are constructed be transferred by and at the cost in all things of the Company to and be vested in the steel company for an estate not less than that for which they hold the present siding freed and discharged from all costs charges and expenses of or incident thereto :
- (3.) The Company shall not deviate the Wharncliffe Branch so that the centre line thereof shall be nearer to the lands delineated and coloured blue on a plan (herein-after referred to as "the agreed plan") signed in duplicate by John Allen McDonald on behalf of the Company and by Jonathan Longbotham on behalf of the steel company than the red line marked on such plan :
- (4.) The bridge for carrying the Wharncliffe Branch over the railway of the steel company shall be constructed either of one span so as to give a clear opening of the width measured on the square of not less than twenty-five feet or of two spans each with a clear opening of the width measured on the square of not less than fourteen feet and with a clear headway for the entire width of not less than fourteen feet measured from the level of the upper surface of the rails of the railway of the steel company :
- (5.) The Company shall make and maintain at such point as shall be approved by the steel company a junction with the railway of the steel company and the steel company may use such junction upon usual terms for all traffic passing between their railway and the Wharncliffe Branch :
- (6.) In the event of the Company finding it necessary for the purpose of making and maintaining the Wharncliffe Branch to enter upon take use or in any manner obstruct or interfere with any portion of the railway of the steel company before doing so they shall to the satisfaction in all respects of the steel company make and complete a new portion of the railway with all necessary works conveniences and appliances (herein-after called "the substituted railway") in substitution

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for the portion of railway so entered upon taken used or in any manner obstructed or interfered with (herein-after called "the existing railway") affording convenience and accommodation in all respects equal to the convenience and accommodation afforded by the existing railway and the substituted railway and all works conveniences and appliances connected therewith shall when completed and the land on which the same are constructed be transferred by and at the cost in all things of the Company to and be vested in the steel company in the same manner and for the same estate and interest and subject to the same obligations and incidents as the land forming the site of the present railway is vested in the steel company :

(7.) Notwithstanding anything in this Act contained it shall not be lawful for the Company except as herein-after expressly provided to purchase acquire enter upon use or interfere with any of the said lands coloured blue on the agreed plan but the Company may purchase take and use so much of such lands as may be necessary for the purposes of the construction of the substituted siding and the substituted railway or either of them :

(8.) The substituted siding and substituted railway and all works to be executed by the Company under the provisions of this Act on over or affecting the railway or sidings or works of the steel company shall be executed at the cost of the Company and in accordance with plans and sections to be previously submitted to and approved by the engineer for the time being of the steel company and under the superintendence and to the reasonable satisfaction of such engineer :

(9.) If any difference shall arise between the steel company and the 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 provisions of the Arbitration Act 1889 with respect to the settlement of disputes by arbitration.

Facilities to be afforded to the Great Western Railway Company for traffic over the Gloucester New Deck Branch.

11. The Company shall afford all proper reasonable and necessary facilities and accommodation for the convenient working forwarding and conveyance of goods and mineral traffic destined for or coming from stations or places upon the railways (including joint lines) of the Great Western Railway Company (herein-after referred to as "the Great Western Company") or places beyond to which the railways of the Great Western Company form part of the shortest route over—



(a.) The Gloucester New Dock Branch by this Act authorised; A.D. 1893.  
and

(b.) Any railway connecting that branch with the railways of the Sharpness New Docks and Gloucester and Birmingham Navigation Company—

to or from any sidings or place or places on the said branch or railway or on the railways of the said Navigation Company other than sidings belonging to the Company and shall receive deliver forward and accommodate such traffic including the waggons of the Great Western Company required for the conveyance thereof and give such facilities as effectually regularly and expeditiously as if it were the Company's own proper traffic and the payment of tolls rates and charges and the arrangements to be made in respect of such traffic shall be agreed, on or failing agreement shall be determined by arbitration between the Company and the Great Western Company in the manner provided by the Arbitration Act 1889.

12. In constructing the Gloucester New Dock Branch by this Act authorised the following provisions for the protection of the Gloucestershire County Council (herein-after called "the council") shall have effect:— For the protection of the Gloucestershire County Council.

- (1.) The public road from Gloucester to Bristol numbered 8 in the parish of Hempsted and 13 in the parish of Tuffley on the plans deposited for the purposes of this Act shall be diverted as shown on the said plans with such modifications as may be necessary to give effect to the provisions of this section:
- (2.) The diverted road (except the part thereof over the bridge carrying such road over the said branch) shall be constructed of a clear width at each end of the diversion of the said road of forty-five feet of which the metalled portion thereof between the water tables shall be of a clear width of twenty-six feet the footpath on the east side thereof shall be of the clear width of nine feet and the grass verge on the west side thereof shall be of a clear width of ten feet and such grass verge shall gradually decrease in width until it reaches the said bridge:
- (3.) The gradient of the diverted road shall in no part be steeper than 1 in 35:
- (4.) The bridge carrying the diverted road over the said branch shall be constructed of a clear width of thirty-five feet between the parapets:
- (5.) The Company shall erect on each side of the diverted road proper and sufficient fences widening out from the end of the parapets of the said bridge to the full width of the road at each end of the diversion:

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- (6.) The Company shall construct the said bridge and the diverted road with a footpath on the east side thereof as to the portion over the bridge of a clear width of seven feet and as to the portion on the remainder of the diverted road of a clear width of nine feet :
- (7.) All works in any way affecting the said road or bridge shall be executed under the superintendence and to the satisfaction of the surveyor for the time being of the council :
- (8.) If any difference arises between the Company and the council with reference to any matter provided for by this section such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of the council or of the Company and the cost of the reference shall be borne as such arbitrator shall direct.

For the protection of the Gloucester Gas Light Company.

**13.** Whereas in the execution of the works of the Gloucester New Dock Branch by this Act authorised the public road from Bristol to Gloucester under which the gas mains of the Gloucester Gas Light Company are laid will be diverted and carried by a bridge over the proposed railway Be it enacted as follows :—

- (1.) The Company shall not in the exercise of the powers of this Act unnecessarily remove or interfere with the said existing mains of the Gloucester Gas Light Company (herein-after called "the gas company") in the said road but such mains shall notwithstanding the diversion of the road and subject to the provisions of this section remain in their present position :
- (2.) If in the exercise of their powers the Company shall find it necessary at any time hereafter to build over remove or otherwise prejudicially affect the said existing mains the Company shall have the right to divert and the gas company shall have the right to require the Company to divert at their own expense the said existing mains so as to carry the same over the railway by substituted mains laid in the diverted road and in either of such events such diversion shall be effected at the cost of the Company and to the reasonable satisfaction of the engineer of the gas company and shall be so executed as to cause as little inconvenience as circumstances will admit to the gas company and the Company shall make compensation to the gas company for all loss or damage (if any) which may be occasioned by the execution of the said works :
- (3.) In the exercise of the powers of this Act the Company shall when making the Gloucester New Dock Branch by this Act authorised at their own cost construct for the accommodation of the gas company a siding from the New Dock Branch to a point conveniently near to the south-western end of the pro-

posed diversion of the Bristol Road and at the request and expense of the gas company and on fair terms extend or afford all reasonable and proper facilities for the extension of such siding to the gasworks of the gas company :

- (4.) If any difference arises between the Company and the gas company with reference to any matter provided for by this section such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of the Company or the gas company and the cost of the reference shall be borne as such arbitrator shall direct.

14. In the execution of the works and exercise of the powers in the city of Birmingham by this Act authorised the following provisions for the protection and benefit of the Mayor Aldermen and Citizens of the city of Birmingham (in this section called "the corporation") shall have effect (that is to say) :—

For the protection of the corporation of Birmingham.

- (1.) In diverting the line of Aston Church Road the Company shall make the new road not less than forty-two feet in width and in accordance with plans and sections signed by the engineer of the Company and the city surveyor :
- (2.) The provisions of the Railways Clauses Consolidation Act 1845 contained in the sections 18 to 23 inclusive shall subject to the provisions of this Act extend and apply to the water and gas mains pipes and apparatus of the corporation and to the pipes or mains for the supply of compressed air and to the electric lighting mains and pipes laid down by or with the consent of the corporation and whenever in those sections the words "company" or "society" are used the same shall for all the purposes of this Act be held to extend to and include the corporation and the word "street" in this section shall have the same meaning as that assigned to it by the Public Health Act 1875 :
- (3.) The Company shall not break up any street or interfere with any sewer drain or watercourse or any gas or water main pipe or apparatus of the corporation or any compressed air main or pipe or any electric lighting main or pipe until they shall have given to the town clerk three clear days' notice in writing of their intention to commence the intended works accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Company so far as they affect the streets sewers drains watercourses gas and water mains compressed air or electric lighting mains pipes and apparatus proposed to be interfered with :
- (4.) Where the surface of any street has been interfered with or disturbed by the Company in constructing the works or

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exercising the powers by this Act authorised the Company shall well and sufficiently and to the satisfaction of the corporation restore the surface of the street so interfered with or disturbed and shall keep the same in efficient repair for one year from such restoration :

- (5.) Whenever it may be necessary to intercept or interfere with any existing sewer or drain the Company shall before intercepting or interfering with such existing sewer or drain construct according to a plan to be reasonably approved of by the corporation another sewer or drain in lieu of and of equal capacity with the sewer or drain so proposed to be intercepted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be intercepted or interfered with and in such manner as shall be reasonably approved by the corporation :
- (6.) Whenever the water or gas mains pipes or apparatus of the corporation or the compressed air or electric lighting mains pipes or apparatus shall be severed or interfered with in the execution of any of the powers of this Act and whenever it is necessary for maintaining the supply of water gas compressed air or electric light to lay additional mains or pipes such additional mains or pipes shall previous to the severance or interference be laid by the corporation at the expense of the Company :
- (7.) If by reason of the execution of any of the powers of this Act the corporation shall necessarily incur any cost in altering any existing sewer drain gas or water main compressed air or electric lighting main pipe or apparatus the Company shall repay to the corporation such additional cost :
- (8.) If by reason of the execution of any of the powers of this Act any increased length of sewers drains gas or water mains compressed air or electric lighting mains or pipes or any additional apparatus shall become necessary the same shall be forthwith constructed and laid by the Company according to such plan and section and in such reasonable manner as shall be approved by the corporation :
- (9.) In altering or interfering with existing roads or streets or the bridges over such roads or streets the Company shall not reduce the width of such roads or streets or of such bridges and shall not reduce the headway of such bridges or increase (to a greater extent than is shown on the deposited plans) the gradients of such roads or streets or of any roads streets or bridges to be substituted for those now existing without the

consent in writing of the corporation and the widths and gradients of any new roads or streets and the width headway and lines of abutment of any new or widened bridges shall be such as shall be approved by the corporation :

- (10.) The Company shall construct and maintain on each side and for the full length of every bridge or viaduct carrying any street over the railway and works a substantial parapet or close screen not less (except with the consent of the corporation) than seven feet in height above the level of the footway on such bridge or viaduct and shall construct a fence or close screen of the same height in continuation of the parapets to the extent of the Company's works :
- (11.) The Company shall construct a close screen not less than six feet in height (except with the consent of the corporation) for a sufficient distance along the boundary of the railway where the same abuts upon any street and shall close fence the land of the Company not required for railway purposes where the same shall abut upon any street :
- (12.) All parapets and screens of bridges made by the Company shall be constructed in such reasonably ornamental manner as the corporation shall approve of and shall not be used for the posting of bills or other advertising purposes :
- (13.) The corporation and the Company may enter into and carry into effect agreements for any variation in the works to be done under this section or in the mode of executing the same :
- (14.) The Company shall from time to time pay to the corporation all rates leviable by or payable to the corporation upon the respective assessments of any lands or property shown upon the deposited plans or a proportion of such rates respectively from the time such lands or property respectively shall be acquired by the Company until the Company's works are completed and assessed to such rates and the amount of such rates payable by the Company shall be computed according to the assessment of such lands or property in force at the time of such acquisition notwithstanding that the buildings thereon or forming part thereof may have been taken down Provided always that the Company shall not be charged with or be liable to the payment of any such rates upon any building or property which or part of which is required for the making of a new street or the widening or improving of an existing street as provided by this Act :
- (15.) The Company shall upon diverting Church Road Aston allow the corporation to lay at the expense of the Company

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gas mains along the road and over the new bridge proposed to be made by the Company in the place of and of the same size as the gas mains at present laid in Church Road aforesaid :

(16.) The Company shall afford reasonable facilities for the construction of a siding between the Company's line of railway and the lands used by the corporation for the purposes of their gasworks and ammoniacal liquor works situate at Saltley and Nechells respectively on the west side of the said line of railway :

(17.) Any difference which may arise between the corporation and the Company as to the true intent and meaning of any of the provisions of this section or as to the mode of giving effect thereto shall be determined in the manner prescribed in the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

For the protection of the London and North Western Railway Company.

**15.** For protection of the London and North Western Railway Company (herein-after called "the North Western Company") the following provisions shall unless otherwise agreed be observed and have effect:—

(1.) In constructing the widening at Saltley by this Act authorised and the works connected therewith the Company shall not without the previous consent in writing of the North Western Company under their common seal take use enter upon or in any way alter or interfere with either temporarily or permanently any lands or property belonging to the North Western Company :

(2.) In constructing and maintaining the diversion and alteration of the levels of Aston Church Road where the same are proposed to pass under and near to the bridge carrying the branch line of railway from the North Western Company's Aston and Stetchford Railway to the Metropolitan Carriage Works over the said road the same shall be constructed according to plans and sections to be previously submitted to and reasonably approved by Francis Stevenson or other the principal engineer for the time being of the North Western Company and so as not to cause any injury to such bridge or interruption to the passage or conduct of the traffic on the said branch line of railway and if any such injury or interruption shall arise from or be in any way owing to any acts of the Company the Company shall make full compensation in respect thereof to the North Western Company the amount of such compensation together with full costs to be recoverable from the Company in any court of competent jurisdiction.

16. If the new railways by this Act authorised are not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

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Period for completion of new railways.

17. If the Company fail within the period limited by this Act to complete the new railways or either of them 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 uncompleted railway or railways 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 estimated cost of the uncompleted railway or railways:

Imposing penalty unless railways opened.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested 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 Railway and Canal Traffic Act 1854:

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court 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 uncompleted railway or 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.

18. 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 has 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 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 High Court may seem fit:

Application of penalty in respect of new railways.

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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 has 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 if a receiver has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty shall have been incurred or any part thereof has or have been abandoned be paid to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Power to  
make new  
roads and  
footpaths.

19. Subject to the provisions of this Act the Company may in the lines shown upon the deposited plans and so far as the same are shown on the deposited sections in accordance with the levels shown on those sections make the new roads bridge widening and footpaths herein-after described with all proper works and conveniences connected therewith and may exercise the powers herein-after mentioned 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 those purposes (that is to say):—

New roads  
at Hucknall  
Torkard.

The Company may construct two new roads in the township of Hucknall Torkard in the parish of Hucknall Torkard in the county of Nottingham:—

No. 1 commencing by a junction with Station Road at or near the north-east end of the bridge carrying that road over the Great Northern Railway and terminating by a junction with the said road at a point three chains or thereabouts north-east of the level crossing by the said road of the Company's railway from Nottingham to Mansfield;

No. 2 commencing by a junction with the intended road No. 1 at a point on the north-east side of the Company's said railway four chains or thereabouts measured in a south-easterly direction from the level crossing thereof by Station Road and terminating by a junction with Wigwam Lane at a point seven chains or thereabouts measured along the road in a south-easterly direction from the level crossing of the said railway by the said lane:

And the Company may stop up and discontinue as a public highway so much of Station Road and of Wigwam Lane respectively as is or will be bounded on both sides by the Company's property:



The Company may widen to the extent of twenty-seven feet or thereabouts on the west side thereof the bridge which carries the Company's main line of railway in the parish of Hendon in the county of Middlesex over the public road south of and near to the Child's Hill and Cricklewood Station :

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Widening of  
bridge at  
Cricklewood.

The Company may make a new footpath in the township of Rothwell in the parish of Rothwell in the west riding of the county of York commencing by a junction with the existing footpath along the north-east side of the Company's Hunslet sidings at a point eleven chains or thereabouts measured in a south-easterly direction from the junction of that footpath with the public road known as the Leeds and Wakefield Road and terminating by a junction with the same road at or near the north-west corner of the Queen's Hotel and may stop up and discontinue so much of the said existing footpath as lies north-west of the junction therewith of the proposed new footpath :

New foot-  
path at  
Rothwell.

The Company may make a new footpath in the parish of Normanton in the county of Derby commencing by a junction with the existing footpath from Stenson to Normanton which crosses on the level the Company's railway from Birmingham to Derby fourteen chains or thereabouts north-west of the farmhouse known as The Furlongs at a point on that footpath ten chains or thereabouts measured in a westerly direction from the said level crossing and terminating in the public road from Sinfen to Normanton at or near the junction therewith of the said existing footpath and may stop up and discontinue so much of the said existing footpath as lies between the points of commencement and termination of the said proposed new footpath :

New foot-  
path at Nor-  
manton.

The Company may make a new footpath in the parish of Saint Paul Bedford in the county of Bedford commencing by a junction with the existing footpath which leads from the Ford End Road to Kempston along the southern side of the property of the Bedford Gaslight Company at a point one chain or thereabouts measured in a southerly direction from the south-west end of the siding from the Company's railway into the gas company's said property and terminating by a junction with Cauldwell Road at or near the north end of the new bridge carrying that road over the River Ouse and may stop up and discontinue so much of the said existing footpath as lies east and north of the commencement of the proposed new footpath :

New foot-  
path at  
Bedford.

The Company may in the parish of Wymondham in the county of Leicester stop up and discontinue so much as lies between

Stopping  
footpath  
(Wymond-  
ham).

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the boundaries of the Company's property of the existing public footpath leading from the public road from Sewsterne and Buckminster to Wymondham as crosses the Company's Cottesmore and Bourn Railway authorised by the Midland Railway Act 1889 and now in course of construction at or near the distance of two miles four furlongs from the commencement of that railway as shown on the plan deposited with reference to the said Act with the clerk of the peace for the county of Leicester :

Provided that the Company shall not stop up and discontinue the use of the said existing public footpath until they have constructed and opened to the public a new public footpath in lieu thereof in the line shown on the plan signed by the engineer of the Company and the surveyor of the Melton Mowbray District Highway Board and the said new public footpath shall be constructed to the reasonable satisfaction of the said surveyor and shall be for ever after maintained and repaired by the Company.

Power to  
acquire  
lands for  
general pur-  
poses.

20. 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 providing accommodation for persons belonging to the labouring classes who may be displaced under the powers of this Act 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) :—

In the west riding of the county of York—

Additional  
lands at  
Baildon.

Certain lands in the township of Baildon in the parish of Otley situate on the south-east side of and adjoining the Company's railway from Shipley to Guiseley and north of and adjoining Kirklands Lane ;

Rothwell.

Certain lands in the township of Rothwell in the parish of Rothwell situate on both sides of and adjoining the Company's railway from Derby to Leeds at the Hunslet sidings thereon and south-east of and adjoining the public road known as the Leeds and Wakefield Road ;

Darfield.

Certain lands in the township of Ardsley in the parish of Darfield situate on the south-east side of and adjoining the Company's railway from Barnsley to Cudworth and near to and north of the coke ovens of the Oaks Colliery :

In the county of Derby—

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Certain lands in the parish of Hartshorn situate on the south-east side of and adjoining the Company's Woodville goods station :

Woodville.

In the county of Nottingham—

Certain lands in the parish of Saint Mary Nottingham situate on the north side of the Company's railway from Derby to Nottingham and west of Wilford Road and lying between the Company's goods yard and the Nottingham Canal :

Nottingham.

In the county of Leicester—

Certain lands in the extra-parochial place of Leicester Abbey and in the parish of Saint Mary Leicester situate on the south-west side of and adjoining the Company's railway from Desford to West Bridge Station Leicester and near Soar Lane New Wharf;

Leicester  
(West  
Bridge).

Certain lands in the parish of Saint Mary Leicester situate on the west side of and adjoining the Company's railway from Bedford to Leicester and on the south side of and adjoining New Walk ;

Leicester  
(New  
Walk).

Certain lands in the parish of Barrow-upon-Soar situate on the south side of and adjoining the Company's railway from Trent to Leicester and near to and west of the junction with that railway of the Mount Sorrel Railway :

Mount Sorrel  
Junction.

In the county of Northampton—

Certain lands in the parishes of Wellingborough Great Harrowden and Finedon situate on the east side of and adjoining the Company's railway from Leicester to Bedford and extending for a distance of sixty chains or thereabouts northward from the bridge carrying the public road from Finedon to Wellingborough over that railway ;

Welling-  
borough.

Certain lands in the parish of Bainton situate on the north side of and adjoining the Company's railway from Syston to Peterborough and between King Street and the Helpston Ballast Pit :

Helpston.

In the county of Worcester—

Certain lands in the parish of King's Norton situate on the west side of and adjoining the Company's railway from Birmingham to King's Norton and south of and near to Lifford Junction :

Lifford  
Junction.

In the county of Bedford—

Certain lands in the parishes of Ampthill and Steppingley situate on the east side of and adjoining the Company's railway from Bedford to London near to and south of Ampthill Station :

Bedford.

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Hertford.

In the county of Hertford—

Certain lands in the parish of Saint Peter situate on the east side of and adjoining the Company's railway from Bedford to London on both sides of the London Road and south-east of St. Alban's Station :

Coaley Junction.

In the county of Gloucester—

Certain lands in the parish of Cam situate on the south side of and adjoining the Company's Dursley Railway at or near its junction with the Company's railway from Bristol to Gloucester at Coaley Junction Station.

Power to maintain buildings on lands over Stanton Tunnel.

**21.** The Company may maintain any buildings erected by them over so much of the Stanton Tunnel on their Nottingham and Melton Railway in the parish of Stanton-on-the-Wolds in the county of Nottingham as extends for a distance of fifty yards or thereabouts southward from the public road which passes over that tunnel twenty-four chains or thereabouts north of the Melton end thereof anything to the contrary contained in the conveyance of the said lands to the Company notwithstanding.

Provisions as to repair of roads &amp;c.

**22.** Subject to the provisions of this Act the new roads and footpaths to be made under the authority of the section of this Act of which the marginal note is "Power to make new roads and footpaths" (except the stone iron or other structure carrying any new road or footpath over any railway which structure shall unless otherwise agreed be repaired and maintained by and at the expense of the Company) shall when made and completed 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 within the parish in which such roads and footpaths will be situate are from time to time liable to be repaired or maintained :

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

Company not liable to repair surface of road level of which is not permanently raised.

**23.** Notwithstanding anything contained in section 46 of the Railways Clauses Consolidation Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the new railways or any of them by a bridge or bridges unless the level of such road is permanently altered.

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As to vesting  
of site and  
soil of por-  
tions of roads  
&c. stopped  
up.

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

Extinguish-  
ment of  
rights of way  
&c.

25. 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 acquired by compulsion shall be and the same are as from the stopping-up or discontinuance of the said portions of highways or the purchase or acquisition of the said lands hereby extinguished:

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

Owners may  
be required  
to sell parts  
only of cer-  
tain lands  
and build-  
ings.

26. And whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Company and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore the owners of and persons interested in the lands buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of the Company may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise:

If for twenty-one days after the service of notice to sell and convey any portion or portions of the said property any owner or

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other person shall fail to notify to the Company that he alleges that such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them Provided always that if in the opinion of the said tribunal any such portions cannot be severed from the remainder of such property without such material detriment the Company may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice Provided also that if in the opinion of such tribunal any such portions can notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained The provisions of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

Period for compulsory purchase of lands.

**27.** The powers granted by this Act to the Company for the compulsory purchase of lands houses and buildings shall cease after the expiration of three years from the passing of this Act.

Power to grant easements &c. by agreement.

**28.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts 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 or over or affecting lands and the provisions of the said Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid respectively.

Restrictions on displacing persons of

**29.—(1.)** The Company shall not under the powers of this Act purchase or acquire in any city borough or urban sanitary district

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labouring  
class.

or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

(B.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

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

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

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall

A.D. 1893. be carried to and form part of the Consolidated Fund of the United Kingdom :

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

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

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

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

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

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

(9.) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may employ inspectors for the purposes of any such inquiry and the inspectors so employed shall for the



purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

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

**30.** The Company may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated retain and hold any lands belonging to them which have not yet been applied to the purposes of the Company or sold or disposed of by them in the parishes enumerated in the Second Schedule to this Act for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway

Extending time for sale of certain superfluous lands.

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or station of the Company or as the Company may be of opinion that they may require for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act:

But the Company shall at the expiration of such respective periods of ten years and two years sell and dispose of all such parts of those lands respectively as shall not then have been applied to or are not then required for the purposes of their undertaking as superfluous lands.

Powers as to supply of electricity to Company's works at Derby.

**31.** Subject to the provisions of this Act the Company may from time to time lay down alter maintain renew and remove either above or under ground mains pipes tubes wires and other works necessary to enable the Company to convey and transmit electricity to be used for the purposes of the Company in their railway stations offices works and property in the borough of Derby directly used by and in the hands of the Company for the purpose of their undertaking and not let to tenants and for the purposes of this section may break up the following streets within the said borough viz. Station Street Calvert Street Midland Place Midland Terrace Carrington Street and Nelson Street:

Where any of the proposed works are situate in over or under any street or public place or any property or land not belonging to the Company the Company shall comply with such conditions and regulations for the protection of the public safety as the Board of Trade may from time to time prescribe:

In exercising the powers by this section conferred the Company shall be subject to the following restrictions and conditions:--

- (1.) Overhead wires shall only be placed subject to the express approval in each case of the Mayor Aldermen and Burgesses of the borough of Derby (in this section referred to as "the corporation") and subject to removal at any time on one month's notice from the corporation:
- (2.) Before any works affecting streets are commenced plans and sections thereof shall be submitted to and approved by the engineer of the corporation or in case of his disapproval by an engineer to be nominated for that purpose by the Board of Trade:
- (3.) All works shall be carried out in so far as they affect any of the said streets under the supervision and to the satisfaction of the engineer of the corporation but at the expense of the Company:
- (4.) The said streets must at all times be kept open for vehicular traffic under a penalty of ten pounds for every hour during

which any of the said streets shall be closed without the consent of the corporation :

- (5.) The Company shall indemnify the corporation against any claims or demands whatsoever arising from the exercise of the powers by this section conferred :
- (6.) The making good and reinstatement of the surface of the said streets shall in all cases be executed by the corporation and the Company shall give to the corporation's engineer not less than twenty-four hours' notice when the works have been constructed and filled in and are ready for surface repairs and the Company shall on demand repay to the corporation the cost of such surface reinstatement such cost to include any further reinstatement rendered necessary by the existence of the works or by subsidence of the disturbed ground :
- (7.) The Company shall at their own expense within fourteen days of receiving a request in writing under the hand of the engineer of the corporation raise lower or alter the position of any wire or other apparatus placed over or under any of the said streets by the Company :
- (8.) The Company shall not interfere with any sewer drain or water electric lighting or gas main pipe or wire or other property of the corporation without the consent of the corporation in writing under the hand of their engineer first obtained :
- (9.) The Company shall compensate the owner of any property in or under any of the said streets for any interference therewith :
- (10.) The Company shall be subject with reference to the works authorised by this Act to the provisions of all public and local Acts now or hereafter to be passed affecting the said borough and applicable thereto :
- (11.) The works of the Company authorised by this Act shall be so constructed and used as not in any way to interfere with or prejudicially affect any telegraph telephone electric lighting wires or other property of the corporation or of any owner or the use or enjoyment thereof :
- (12.) The Company shall not sell or supply electricity to any person for any purpose whatsoever but shall use all electricity made by them solely for the purpose of their own business as a railway company :
- (13.) In consideration of the assent of the corporation to this enactment the Company shall when called upon grant to the corporation for a nominal consideration an easement for constructing a tunnel under the Company's main line and Ripley

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Branch under the powers of the Derby Corporation Act 1890 but subject to the other provisions of such Act :

- (14.) All works of the Company authorised by this section shall be so constructed maintained and used as to prevent any injurious affection to the telegraphic lines from time to time used or intended to be used by the Postmaster-General or the currents therein :
- (15.) The Company shall seven days before any such works are commenced in under or over any street give notice in writing to the Postmaster-General accompanied by plans and sections of such works and shall conform with such reasonable requirements as may from time to time be made by the Postmaster-General for the purpose of preventing any of his telegraphic lines as aforesaid from being injuriously affected :
- (16.) The expression " telegraphic line " has the same meaning in this section as in the Telegraph Act 1878 and a telegraphic line shall be deemed to be injuriously affected if telegraphic communication by means thereof is whether through induction or otherwise in any manner affected.

Power to  
Company to  
raise addi-  
tional money  
by creation  
of preference  
stock.

**32.** The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise by the creation and issue of new preference stock such sums of money as they shall think necessary not exceeding nine hundred thousand pounds exclusive of the other moneys which they are or may be by any other Act or Acts of Parliament authorised to raise And the preference stock so created shall be deemed to be part of and shall rank *pari passu* with and shall confer the like privileges and shall bear the same dividend and be subject to the like restrictions as the other Midland Railway four per centum preference stock.

Power to  
borrow.

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

But no part thereof shall be borrowed until stock for one half of the said additional capital is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such stock was issued and accepted and paid up *bonâ fide* and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns :

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. A.D. 1893.

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

Provisions with respect to appointment of a receiver.

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.

**35.** 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.

Existing mortgages to have priority.

**36.** It shall not be lawful for the Company to raise by creation of debenture stock any part of the moneys which they are by this Act authorised to raise by borrowing on mortgage.

Company not to create debenture stock.

**37.** All moneys raised under this Act whether by preference stock or borrowing shall be applied only to the purposes of this Act and any other Act of the same session and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Application of moneys.

**38.** 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.

Company may apply corporate funds.

**39.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act

Interest not to be paid on calls paid up.

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authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him. But nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

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

Provision as  
to general  
Railway  
Acts.

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

Costs of Act.

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

## SCHEDULES referred to in the foregoing Act.

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## FIRST SCHEDULE.

Describing lands buildings and manufactories whereof portions only are required to be taken by the Company.

Object for which Lands are required.	Township and Parish.	Number on Deposited Plans.
Wharncliffe Branch -	Township of Worsborough -	11 23 24.
Wharncliffe Branch -	Township of Nether Hoyland	19.
Wharncliffe Branch -	Township of Tankersley -	17 18.
Gloucester New Dock Branch.	Parish of Hempsted -	9 13.
Widening at Wincobank -	Township of Brightside Bierlow.	3 74.

## SECOND SCHEDULE.

## SUPERFLUOUS LANDS.

## SWADLINCOTE AND WOODVILLE JUNCTION AND DEVIATION.

Church Gresley.  
Hartshorn.  
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