



CHAPTER lii.

An Act for enabling the Midland Railway Company to construct a new Railway, an Aqueduct, and other Works, to acquire additional Lands and two Branch Railways, and to raise additional Capital; and for conferring additional powers upon them with relation to their own Undertaking, and upon them and the London and North-western Railway Company with relation to their Ashby and Nuneaton Joint Line; and for other purposes.

A.D. 1877.

[28th June 1877.]

WHEREAS it is expedient that the Midland Railway Company (in this Act called "the Company") should be empowered to construct the new railway and acquire the two branch railways in this Act mentioned, and also to make the new roads in this Act mentioned, and to stop up portions of existing highways, and also to acquire additional lands for extending their stations, sidings, warehouses, engine sheds, workshops, coal depôts, and other works and conveniences for the accommodation of their traffic, and for other purposes connected with their undertaking:

(New railway.)

(New roads, &c. and additional lands.)

And whereas it is expedient that the Company should be empowered to supply their station at Peterborough with water from the River Nene for a limited period, and for such purpose to construct an aqueduct or line of pipes in the parish of Saint John, Peterborough:

(Aqueduct at Peterborough.)

And whereas plans and sections showing the lines and levels of the railway and other works by this Act authorised, and plans showing the lands required or which may be taken for the purposes or under the powers of this Act, and also books of reference 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

(Deposit of plans.)

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A.D. 1877. the said railway and 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 :

(Company and London and North-western Railway Company—Ashby and Nuneaton.)

And whereas the Company and the London and North-western Railway Company are joint owners of the undertaking authorised by the Midland Railway (Ashby and Nuneaton, &c.) Act, 1866, the London and North-western Railway (Ashby and Nuneaton Lines) Act, 1867, and the Midland and London and North-western Railway Companies (Ashby and Nuneaton Railway) Act, 1868, and it is expedient that they should be empowered to stop up a public highway, in the parish of Shackerstone, which crosses their Ashby and Nuneaton Railway on the level :

(Keighley Local Board.)

And whereas by the Midland Railway (Additional Powers) Act, 1873, the Company were empowered to make an alteration in the parish of Keighley, in the west riding of the county of York, in the line and levels of their Leeds and Bradford Extension Line, and for such purpose to alter the levels of a portion of the Leeds and Bradford turnpike road, and by section seven of the said Act (for protection of Keighley Local Board of Health) certain restrictions are imposed on the Company and certain regulations are required to be observed by them in the execution of the before-mentioned works : And whereas by the Midland Railway (New Works, &c.) Act, 1876, further provisions were made with reference to the matters aforesaid : And whereas an agreement has been come to between the Company and the Keighley Local Board of Health for the removal and modification of certain of the restrictions and regulations contained in the said Acts, and it is expedient that such agreement (which is set forth in the First Schedule to this Act) should be confirmed :

(Extension of time.)
(Wolverhampton, Walsall, &c. Railway.)

And whereas by the Midland Railway (Additional Powers) Act, 1874, the Wolverhampton, Walsall, and Midland Junction Railway Company was dissolved, and all their rights, powers, and authorities under their Acts of 1872 and 1873 were transferred to and vested in the Company, and by section thirty-three of that Act the Company was made subject to a penalty in case of the non-completion of the authorised railways within the period limited for that purpose : And whereas it is expedient that the period limited by the Wolverhampton, Walsall, and Midland Junction Railway Act, 1872, for the completion of the railways and works by that Act authorised should be extended :

(Hotel accommodation.)

And whereas it is expedient that the Company should be empowered to hold and to provide and maintain and conduct hotels

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and other accommodation in connexion with the railways owned or worked by them, and that the expenditure already incurred by the Company in respect of any of the before-mentioned purposes should be confirmed, and that further provisions as herein-after contained should be made in relation to the matters aforesaid : A.D. 1877.

And whereas the officers, clerks, servants, and workmen of the Company being in many cases resident at stations and other places where there are no savings banks or provident institutions established, lose the benefit of such institutions, and the Company, for the purpose of encouraging habits of prudence and economy among their officers, clerks, servants, and workmen, and of enabling them to make provision against accidents, sickness, and old age, are desirous of establishing savings banks and provident institutions for their benefit, and it is expedient that the establishment and maintenance of such savings banks and provident institutions should be sanctioned by Parliament, and that provision should be made for the due government, management, and conduct thereof : (Savings banks.)

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of the railways and works by this Act authorised, and for the other objects sought to be effected thereby, and also for the making and enlargement of stations, sidings, warehouses, engine sheds, workshops, coal depôts, 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 : (Additional capital.)

And whereas it is expedient that some of the powers and provisions of the existing Acts relating to the Company should be altered, amended, extended, and enlarged, and that such further powers should be granted to the Company as are herein-after mentioned : (Amendment of Acts.)

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 :

1. This Act may be cited for all purposes as the Midland Railway Short title.
(New Works, &c.) Act, 1877.

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Certain provisions of general Acts herein named incorporated.

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;

The Railways Clauses Consolidation Act, 1845;

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

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

The transfer and transmission of shares;

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

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;

The provision to be made for affording access to the special Act by all parties interested; and

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

Interpretation of terms.

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

The expression "the railway" means the new railway by this Act authorised;

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

The expression "parish clerks" and "clerks of the several parishes" in sections seven, eight, and nine of the Railways Clauses Consolidation Act, 1845, shall, with reference to the Company, and as regards those parishes or extra-parochial places in which, by the standing orders of either House of Parliament, plans, sections, and other documents are required to be deposited with the clerk of the

vestry of the parish, or with the clerk of the district board for the district in which the parish or extra-parochial place is included, mean in the first case the vestry clerks of those parishes, and in the second case the clerks of those district boards respectively.

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

Power to make railway according to deposited plans.

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

A railway (to be called the Walsall Station Branch) three furlongs seven chains and ten yards in length, to be situate wholly in the township of the Foreign of Walsall, in the parish of Walsall, in the county of Stafford, commencing by a junction with the South Staffordshire Railway of the London and North-western Railway Company, and terminating in a piece of land known as the Long Meadows or Walsall Lammas Lands, belonging or reputed to belong to the Right Honourable the Earl of Bradford :

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

5. Notwithstanding anything in this Act, the junction of the Walsall Station Branch Railway with the railway of the London and North-western Railway Company shall be made only in such manner and at such points within the lands which the Company and the London and North-western Railway Company respectively have acquired, or are by this Act or any previous Act empowered to acquire, as the last-mentioned company and the Company may agree upon, or as, failing agreement, shall be determined by Mr. Thomas

Provision as to junction of Walsall Branch Railway with London and North-western Railway.

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A.D. 1877. Elliot Harrison, C.E.: Provided always, that a junction between the said two railways shall be effected pointing southward as well as a junction pointing northward.

Agreement with the Corporation of Walsall confirmed.

6. The agreement dated the nineteenth day of March one thousand eight hundred and seventy-seven, and made between the mayor, aldermen, and burgesses of the borough of Walsall of the one part, and the Company of the other part, contained in the First Schedule to this Act, is hereby confirmed and made binding upon the parties thereto respectively; and the Company may and shall pay to the said mayor, aldermen, and burgesses (herein-after called "the corporation"), as representing all persons entitled to commonable rights in or over the Lammas Lands forming the subject of that agreement, all sums of money payable as compensation for or in respect of such commonable rights, and the sums of money so paid to the corporation shall be deemed to be paid in lieu of and in satisfaction for any compensation to which any persons might be entitled in respect of those rights, and the sums of money so paid to the corporation shall be applied by them to the purposes mentioned in the said agreement.

For protection of Post Office telegraphs.

7. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster General, and not situate upon the Company's railway or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply; (that is to say,)

(Notice to be given before interfering with telegraphs.)

Before the Company alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Company shall give to the Postmaster General one calendar month's previous notice in writing of such intended alteration, removal, or other interference, specifying all requisite and proper particulars relating thereto; and if the Postmaster General shall, before the expiration of one calendar month after the service upon him of the said notice from the Company, give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof, and not interfering with or obstructing the use of the railway.

If at the expiration of one calendar month the Postmaster General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster General, along substituted wires to be provided by the Company at their own expense to the satisfaction in all respects of the Postmaster General:

A.D. 1877.

Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster General causing any interruption of or impediment to postal telegraphic communication; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

(Compensation by Company to Postmaster General, and penalty.)

Nothing in this Act relating to Her Majesty's Postmaster General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster General or of the Company under or by virtue of the Telegraph Act, 1868, or any agreement between the Company and the Postmaster General.

(Saving for Telegraph Act and agreements.)

8. If the Company fail within the period limited by this Act to complete the railway, they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the amount of the estimated cost of the railway.

Imposing penalty unless railway opened.

The said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railway 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 section three of the Railway and Canal Traffic Act, 1854.

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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 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 by unforeseen accident or circumstances beyond their control; provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing
for applica-
tion of
penalty.

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

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

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Period for completion of railway.

11. The Company may acquire by agreement, and may hold as part of their undertaking, the railways following, and all and every estate or interest in the lands on which the same respectively are constructed, and all stations, sidings, works, and conveniences connected therewith respectively; (that is to say,)

Power to acquire Blackwell and Cransley Branch Railways.

The railway, in the parishes of Blackwell and South Normanton, in the county of Derby, known as the Blackwell Branch, extending from the Erewash Valley Line of the Company, near the bridge carrying the public road from Alfreton to Blackwell over that railway, to the east side of Berrister Lane, near the No. 2 Colliery of the Blackwell Colliery Company;

The railway, in the parishes of Kettering, Cransley, and Broughton, in the county of Northampton, known as the Cransley Branch, extending from the main line of the Company, near the Kettering Station, to a field in the parish of Cransley, belonging or reputed to belong to William Somerset Rose, and occupied by Ann Mawby, known as Billy's Close;

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

12. Subject to the provisions of this Act, the Company may make, in the lines shown on the deposited plans relating thereto, and according to the levels shown on the deposited sections relating thereto, the new roads herein-after described, with all proper works and conveniences connected therewith, and they 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

Power to make new roads.

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A.D. 1877. described in the deposited books of reference relating thereto, as may be required for those purposes; (that is to say,)

- (1.) They may make a new road, to be situate wholly in the parish of Gretton, in the county of Northampton, commencing from and out of the road shown on the deposited plans of the Kettering and Manton Railway of the Company, referred to in the Midland Railway (Additional Powers) Act, 1874, as being crossed by the centre line of that railway, at a distance of eight miles twenty-three chains or thereabouts from the commencement of the said railway, at a point on that road four chains or thereabouts north-eastward from the said point of crossing, and terminating by a junction with the same road at a point thereon thirteen chains or thereabouts south-westward from the said point of crossing; and when and so soon as the new road is completed and opened to the public, the Company may stop up and discontinue as a public highway so much of the first-mentioned road as lies between the commencement and termination of the said new road, and they may appropriate to the purposes of their undertaking the portion of road so to be stopped up and discontinued:
- (2.) They may make a new road, commencing in the parish of Blackwell, in the county of Derby, from and out of the public carriage-road known as Berrister Lane, at a point thereon six chains or thereabouts north of the level crossing of that lane by the railway or sidings of the Blackwell Colliery Company, and terminating in the parish of South Normanton, in the same county, by a junction with Berrister Lane aforesaid at another point thereon three chains or thereabouts south of the said level crossing; and when and so soon as the new road is completed and opened to the public, the Company may stop up and discontinue as a public highway so much of Berrister Lane as lies between the commencement and termination of the said new road, and they may appropriate to the purposes of their undertaking the portion of Berrister Lane so to be stopped up and discontinued:
- (3.) They may make a new road, with approaches thereto, to be situate wholly in the township and parish of Wolverhampton, in the county of Stafford, commencing at the western end of Bailey Street, otherwise Far Sun Street, and terminating in a piece of land belonging to the

Company, lying between the high and low level lines of the Company's Wolverhampton and Walsall Railway. A.D. 1877.

13. The said new roads shall respectively when completed have all the incidents, including the repair and maintenance thereof, of other roads within the townships or parishes in which those new roads respectively are situate, and the new roads Numbers 1 and 2 shall be substituted for the portions of the respective existing roads by this Act authorised to be stopped up: Provided always, that if any question shall arise between the Company and the trustees or other authority having the management of the existing roads as to the due completion of the new roads respectively, 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 the justices for the purpose; and the certificate of the justices of the due completion of the new roads shall be conclusive evidence of the fact so certified. Provision for repair of new roads.

14. In constructing the new road described in sub-section 3 of section 12 of this Act, the Company shall not enter upon or interfere with the railway of the Great Western Railway Company (in this Act hereafter called "the Great Western Company"), or any of the lands or works of that Company, or execute any works over or affecting the same, until the Company shall have delivered to the Great Western Company plans and drawings of such intended works, and those plans and drawings shall have been approved in writing by the principal engineer for the time being of the Great Western Company, or in the event of his failure for one calendar month after the delivery of the plans and drawings, until the same shall have been approved by an engineer to be appointed, on the application of the Company, by the Board of Trade; and all the intended works shall be executed by the Company, at their sole expense in all things, according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company, or, in case of difference, by an engineer to be appointed by the Board of Trade. Not to enter on lands of Great Western Company until plans of proposed works affecting that Company approved.

15. In constructing the said road through or over the land and property of the Great Western Company, the Company shall not deviate from the lines shown on the deposited plans without the previous consent in writing of the Great Western Company under their common seal, and the said road before described, where the same is intended to cross the railway of the Great Western Company, shall be carried over that railway and works by means of a As to construction of road through or over land of Great Western Company.

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A.D. 1877. girder bridge of not less than fifty feet span on the square and fifteen feet high, and in such a manner as not to injure the stability of the works of the railway in any way whatever.

Company to pay to Great Western Company expenses of watchmen during construction of works.

16. The Company shall bear, and on demand pay to the Great Western Company, the reasonable expense of the employment by them during the making of the said road and works above described and by this Act authorised of a sufficient number of inspectors, signalmen, or watchmen, to be appointed by them for watching their works and the conduct of the traffic thereon, with reference to and during the execution of the intended works, 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 any person or persons in the employ of the Company with reference thereto or otherwise.

Damages sustained by Great Western Company to be repaid.

17. Notwithstanding anything in this Act contained, the Company shall from time to time be responsible for and make good to the Great Western Company all losses, costs, damages, and expenses which may be occasioned to them, or any of their works and property, or to the traffic on their railway, or to any company or persons using the same, or otherwise, during the execution or by reason of the failure of any of the intended works, or of any act, default, or omission of the Company, or of any persons in their employ, or of their contractors, or otherwise; and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure, and of any such act, default, or omission.

Maintenance of works affecting the railway of the Great Western Company.

18. The Company shall, at their sole expense, at all times maintain the bridge by which the said road above described and by this Act authorised shall be carried over the railway of the Great Western Company in substantial repair, good order, and condition, and watertight, to the reasonable satisfaction in all respects of the engineer for the time being of the Great Western Company; and if and whenever the Company fail so to do, after one month's notice from the Great Western Company for that purpose, or in case of urgency (of which the engineer of the Great Western Company shall be the sole judge), the Great Western Company may make and do, in and upon as well the land of the Company as their own lands, all such works and things as the Great Western Company shall think requisite in that behalf for ensuring such repair; and the sum from time to time certified by their engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Company, and in default of full repayment the amount due

may be recovered, with full costs, by the Great Western Company from the Company in any court of competent jurisdiction. A.D. 1877.

19. With respect to any lands of the Great Western Company which the Company are by this Act from time to time authorised to use, enter upon, or interfere with for the purposes of the bridge carrying the said road over the Great Western Company's railway, the Company shall not purchase and take the same, but the Company may purchase and take, and the Great Western Company shall sell or grant accordingly, an easement or right of using the same in perpetuity for the purposes for which but for this enactment the Company might purchase and take the same. Company only to acquire easement or right of using land of Great Western Company.

20. Subject to the provisions of this Act, the Company may, for the supply of water to their station at Peterborough, make and maintain, in the line shown on the deposited plans relating thereto, and according to the levels shown on the deposited sections relating thereto, the work following, with all proper and necessary 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 relating thereto, as may be required for those purposes; (that is to say,) Power to make aqueduct and divert water from River Nene.

They may make an aqueduct or line of pipes in the parish of Saint John the Baptist, Peterborough, in the county of Northampton, commencing in the River Nene at a point three chains or thereabouts, measuring along the northern side of that river, from the western side of the bridge carrying the Company's Syston and Peterborough Branch over that river, and terminating at or near the south side of the Company's pumping engine-house, near to and on the west side of the Company's said branch railway, opposite the signal box thereon marked "Nene Junction :"

They may divert and take water from the River Nene by means of such aqueduct or line of pipes directly from that river :

— Provided always, that the powers of this Act with respect to the diversion and taking of water from the River Nene shall and may be exercised for the period of eight years from the passing of this Act, but no longer, and shall be available only for the Company for use at their station at Peterborough and the supply of their locomotive engines.

21. In making the said aqueduct or line of pipes, the Company shall and they are hereby required in placing the same in the River Nene to leave at all times a clear depth of water above the said For protection of Nene Valley Commissioners.

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A.D. 1877. aqueduct or line of pipes of not less than four feet at the ordinary summer level of the water in the river at that place, and the details and mode of constructing the same, and other works connected therewith, together with all necessary and contingent works, whether temporary or permanent, shall be carried out upon drawings and specifications to be submitted to and approved of by the engineer for the time being of the Nene Valley Drainage and Navigation Improvement Commissioners (Second District) previously to the commencement of the works, and shall be commenced, carried on, and completed to the reasonable satisfaction of such engineer, and so that no obstruction or interruption shall be caused during the construction or after the completion thereof to the boats or barges passing along the said River Nene, or to the horses hauling the same, nor to drainage by such river; and the reasonable costs of such engineer shall be borne by the Company. And in case any dispute shall arise between the engineers of the Company and of the said Commissioners as to the said drawings and specifications, and as to the carrying on and completion of the works, the same shall be settled by arbitration in manner provided by the Railways Clauses Consolidation Act, 1845.

Power to deviate in construction of new roads and aqueduct.

22. In constructing the said new roads and aqueduct, the Company may deviate to the extent of the limits marked on the deposited plans, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet, but not as regards the new roads so as to increase the rate of inclination of any such new road as shown on those sections.

Power to acquire lands for general purposes.

23. 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 depôts, 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 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 Long Preston, in the west riding of the county of York, adjoining and on both sides of the Company's railway from Skipton to Settle, and between the Hellifield and Long Preston Stations thereon:

Provided always, that nothing in this Act contained shall authorise the Company (except with the consent in writing of

the Lancashire and Yorkshire Railway Company under their common seal) to acquire, enter upon, take, use, and appropriate any lands or property now belonging to or contracted to be purchased by the Lancashire and Yorkshire Railway Company, and required for the purposes of the Chatburn to Hellifield Railway, authorised by the Lancashire and Yorkshire Railway (New Works and Additional Powers) Act, 1871, and now in course of construction :

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Certain lands, houses, and buildings, in the township and parish of Liverpool, in the county of Lancaster, lying between the Lancashire and Yorkshire Railway and the Leeds and Liverpool Canal, and also between that canal and Vauxhall Road ; and also certain other lands, in the same township and parish, lying between the Lancashire and Yorkshire Railway and Great Howard Street :

Certain lands, houses, and buildings, situate in the township of Bootle-cum-Linacre, in the parish of Walton-on-the-Hill, in the county of Lancaster, and lying between Regent Road, Grove Street, Rimrose Road, otherwise Derby Road North, and Richmond Vale :

Certain lands, houses, and buildings, situate in the parish of Tibshelf, in the county of Derby, adjoining and on the east side of the Tibshelf and Teversall Branch Railway of the Company, near its junction with the Company's Erewash Valley Railway ; and also certain other lands, houses, and buildings, situate in the parish of Blackwell, in the same county, part thereof adjoining and on both sides of the railway known as the Blackwell Branch, and other part thereof adjoining and on the east side of the Company's Erewash Valley Railway, near the junctions respectively formed therewith by the said Blackwell Branch and Tibshelf and Teversall Branch :

Certain lands, houses, and buildings, situate in the parish of Lockington, in the county of Leicester, adjoining or near to and on the north side of the Sawley and Weston Railway of the Company, and adjoining or near to and on the east side of the public road leading from Hemington to Derby :

Certain lands, houses, and buildings, situate in the parish of Gresley, otherwise Church Gresley, in the county of Derby, adjoining and on the south-west side of the Company's railway from Burton to Leicester, at or near the junction therewith of the sidings leading to the Coton Park Colliery :

Certain lands, houses, and buildings, situate in the parish of Walsall, in the county of Stafford, adjoining and on the south

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side of the Company's Wolverhampton and Walsall Railway, near the North Walsall Station thereon :

Certain lands, houses, and buildings, situate in the township and parish of Wolverhampton, in the county of Stafford, adjoining and near to and on the south side of the Company's Wolverhampton and Walsall Railway, near its termination at Wolverhampton, and lying between that railway and the Wyrley and Essington Canal; and also certain other lands, houses, and buildings adjoining and near to and on the north side of the said railway, near its termination aforesaid, and lying between the said railway and the Wednesfield Road ;

And they may stop up and discontinue the existing footpaths which now cross the last-mentioned lands, and may make in lieu thereof a new footpath, situate wholly in the said township and parish of Wolverhampton, commencing from and out of Sun Street and Lower Sun Street at their point of junction, and terminating by a junction with New Sun Street at the western end thereof: Provided always, that the Company shall not stop up any portion of the existing footpaths until they shall have completed and opened to the public the said new footpath :

Provided always, that the Company shall not take or acquire so much of the lands numbered on the deposited plans 4 and 89, in the parish and township of Wolverhampton, as is coloured red on a plan signed by James Allport and James Grierson, without the consent in writing of the Great Western Railway Company, under their common seal; and the Company shall not construct the said new footpath through such portion of the said lands numbered 4 without such consent as aforesaid, unless they shall have previously acquired the said portion coloured red of the said lands numbered 4 and 89. And the Company shall construct, when required to do so by the Great Western Railway Company, and thereafter maintain in good order and condition, a siding not less than two hundred and fifty yards in length through the properties numbered on the said plan 86, 87, 88, 88a, and 89; and the Great Western Railway Company shall at all times after the construction of such siding have the uninterrupted use thereof free of any charge therefor, and the Great Western Railway Company may connect their sidings with the siding so to be constructed by the Company. The Company shall also construct such sidings as may be necessary for the interchange of traffic between the

railway of the Great Western Railway Company and the
Wolverhampton and Walsall Railway :

Certain lands, houses, and buildings, situate in the parish of Aston-
juxta-Birmingham, in the county of Warwick, adjoining the
Camp Hill goods station of the Company, near the junction of
Stratford Road and Stratford Place :

Certain lands, houses, and buildings, situate in the parish of
Sutton Coldfield, in the county of Warwick, adjoining or near
to and on the north-east side of the Company's Walsall Exten-
sion Railway, now in course of construction between Sutton
Park and Anchorage Road :

Certain lands, houses, and buildings, situate in the parish of
Ufford, in the county of Northampton, adjoining and on both
sides of the Syston and Peterborough Railway of the Company,
near the mile post thereon marked on one face thereof "40 $\frac{1}{4}$,"
and on the other face thereof "8" :

Certain lands, houses, and buildings, situate in the parish of Saint
Pancras, in the county of Middlesex, and lying between King's
Road and the Regent's Canal, near the Company's goods
station :

Certain lands, houses, and buildings, situate in the parish of
Fulham, in the county of Middlesex, adjoining and on the
south side of the Hammersmith Extension Railway of the
Metropolitan District Railway Company, and lying between
the Lillie Bridge works of that Company and North End
Road.

24. Whereas the Company are by this Act empowered to acquire
certain lands and buildings in the parish of Wolverhampton, and by
a Bill now pending in Parliament, entitled "An Act for empower-
" ing the London and North-western Railway Company to make
" new roads and other works and to acquire additional lands, and
" for other purposes," it is sought and intended to empower the
London and North-western Railway Company (herein-after called
"the North-western Company") to acquire the same lands and
buildings, which are herein-after called "the said lands:" Therefore,
if the said Bill pass into a law empowering that Company to acquire
those lands and buildings, the powers by this Act conferred upon
the Company with respect to the said lands shall be exercised only
subject to and in accordance with the following provisions :

Provision as
to certain
lands in
parish of
Wolver-
hampton.

(1.) The Company shall not for the period of three months from
the passing of this Act, or for such longer period as is
herein-after provided for, unless with the previous consent
in writing of the North-western Company under their

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common seal, exercise the powers aforesaid with respect to the said lands :

- (2.) If within the said period of three months the North-western Company give to the Company notice in writing under their common seal of their desire to acquire the said lands, or such part thereof as may be specified in the notice, the Company shall not in respect of the lands and buildings so specified exercise the powers of this Act, except under the conditions hereinafter prescribed; and if the Company object to the acquisition by the North-western Company of the lands and buildings so specified, or any part thereof, they shall within six months from the passing of this Act give to the North-western Company notice in writing under their common seal of such their objection, specifying in such notice the particular lands and buildings or parts thereof to which such objection applies :
- (3.) If the two companies have not before the expiration of six months from the passing of this Act agreed in writing under their respective common seals as to the acquisition, use, and appropriation of the said lands, or such of them as appear from the said notices to be required by both companies, and as to the works to be constructed thereon, by or for the use or convenience of the two companies, either separately or jointly, and as to the apportionment of the cost incurred in relation to the matters aforesaid (which agreement they are hereby empowered to make and carry into effect), every difference between them with respect to the acquisition, use, and appropriation of the lands and buildings so required by both of them, and with respect to the works to be constructed thereon, by or for the use or convenience of the two companies, either separately or jointly, and with respect to the apportionment of the cost incurred in relation to the matters aforesaid, shall be determined by arbitration in the manner prescribed by the Railway Companies Arbitration Act, 1859, and each of the two companies shall proceed in such arbitration without any unnecessary delay, and so as to admit of the umpire or single arbitrator, as the case may be, making his award within twelve months at the utmost from the passing of this Act, and the umpire or arbitrator is hereby empowered to proceed peremptorily and, if necessary, in the absence of either company, so as to enable him to make his award within that period.

25. The Company shall from time to time pay to the Board of Works for the Fulham District all poor, general, and other rates leviable by or payable to that board upon the respective assessments of any lands and property situate within that district and 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 poor, general, and other rates respectively, and the amount of such rates payable by the Company shall be computed according to the assessments 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.

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Company to make good certain rates in Fulham.

26. In exercising the powers of this Act the Company shall conform to and observe the following provisions, regulations, and restrictions; and the expression "the corporation" in this section shall mean the mayor, aldermen, and burgesses of the borough of Liverpool:

For protection of the Corporation of Liverpool.

- (1.) Whenever by the appropriation of property authorised to be taken by this Act, or otherwise by the execution of the powers thereof, any water main or pipe of the corporation shall be severed or interfered with, the necessary works in connexion therewith and consequent thereon shall be executed by the corporation, and the cost thereof (the amount to be certified by the water engineer) shall be paid by the Company to the corporation:
- (2.) Before intercepting or interfering with any existing sewer or drain at present laid in the land proposed to be acquired by the Company in the said borough of Liverpool, the Company shall construct, according to a plan to be 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 approved of by the corporation:
- (3.) If the Company erect or provide a station for goods or passenger traffic upon the said lands proposed to be acquired, and shall make any entrance into or exit from such station from or into Great Howard Street, Love Lane, and Vauxhall Road respectively, they shall set back the

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frontage or boundary walls of their buildings or station to the extent of ten feet from the present lines of the street or streets in which such entrances or exits shall be made for the whole of such frontages respectively, and shall pave to the satisfaction of the corporation and dedicate to the public the land so thrown into such streets.

For protection of the Earl of Derby.

27. For the protection of the estate of the Right Honourable Edward Henry Earl of Derby (herein-after called "the Earl"), be it enacted as follows :

(a.) Within five years from the passing of this Act the Company shall make and complete, to the satisfaction of the Earl or other the person or persons entitled to the possession or to the receipt of the rents and profits of the hereditaments in the township of Bootle-cum-Linacre devised by the will of the late Earl of Derby, or if there shall be no such person of full age, then of the trustees or trustee of the said will, a street or road from Rimrose Road, otherwise Derby Road, to Regent Road, both in the said township, which road shall be not less than fifteen yards in width, and shall be constructed in the line and situation shown upon a plan signed by James Allport and William Thompson Pears, and dated the twenty-first day of March one thousand eight hundred and seventy-seven, and they shall also at their own expense, and within the same period and to the like satisfaction, out of the lands to be acquired by them under the powers of this Act, make such an addition to the street, called Grove Street, now communicating between Rimrose Road and Regent Road aforesaid as that the said street shall throughout its whole length be not less than fifteen yards in width :

(b.) After the said intended street shall have been constructed and Grove Street shall have been widened, the Company shall at their own expense maintain and keep both the said streets in good repair and condition until the same shall be adopted by the public :

(c.) Within the same period and to the like satisfaction the Company shall at their own expense pave, flag, channel, drain, and sewer both the said streets, and they shall make and maintain the levels of the said streets respectively, and the depth and dimensions of the drains and sewers therein, in such a manner as that the said streets respectively shall form a proper means of communication for the passage of horses, carts, and carriages from Rim-

rose Road, otherwise Derby Road, to Regent Road, and that the said sewers and drains may at all times properly and effectually communicate with the sewers and drains now constructed under Rimrose Road and Regent Road respectively :

(d.) The Company shall at all times after the completion of the said intended street and the widening of Grove Street keep open the site of the same respectively as carriage-ways and unbuilt upon for the joint use and occupation with horses, carts, and carriages of the Earl or other the person or persons entitled as aforesaid, and of his or their lessees, tenants, and others, by their or his permission, and of the Company, their officers and servants, and others engaged on the business of the Company, and the Company will also, as soon as circumstances permit, procure the said intended street and also Grove Street as widened to be dedicated to and adopted by the public :

(e.) Nothing in this Act contained shall abridge, alter, prejudice, or affect the rights, powers, authorities, and privileges of the Earl or other the person or persons now or hereafter to become entitled as aforesaid to the manors of Bootle and Kirkdale respectively, or any lands or hereditaments within or parcel of the said manors respectively, except to the extent and in manner herein-before provided.

28. In relation to the land which the Company are authorised to take in the borough of Bootle-cum-Linacre (in this section called "the borough"), and for the protection of the mayor, aldermen, and burgesses of the borough (in this section called "the corporation"), the following provisions shall apply and have effect :

For protec-
tion of Cor-
poration of
Bootle-cum-
Linacre.

(1.) The Company shall not break up any street, road, or passage, or interfere with any sewer, drain, or watercourse, until they have given to the town clerk of the borough notice in writing of such their intention, and the notice shall be accompanied by plans and other necessary particulars showing the streets, roads, passages, sewers, drains, and watercourses proposed to be interfered with :

(2.) Whenever it may be necessary for the Company in the exercise of the powers of this Act to interrupt or interfere with any existing public sewer or drain, they shall, before interrupting or interfering with such existing public sewer or drain, construct, according to a plan to be approved of by the corporation, another sewer or drain in lieu thereof, and of equal capacity with the sewer or drain which may

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- be interrupted or interfered with, and such sewer or drain or substituted sewer or drain shall be connected by and at the expense of the Company with any existing sewer or drain which may be interrupted or interfered with, and in such manner as shall be approved by the corporation :
- (3.) If by reason of the execution of any of the powers of this Act any increased length of sewers or drains shall at any time become necessary, the same shall be constructed by the corporation at the expense of the Company :
 - (4.) If by reason of the execution of any of the powers of this Act the corporation shall at any time necessarily incur any cost in altering any existing sewer or drain, the Company shall from time to time repay to the corporation such additional cost, and the same may be recovered in any court of competent jurisdiction :
 - (5.) The Company shall not, without the consent of the corporation under the hand of the town clerk, use gunpowder or any other explosive substance in or upon any lands acquired by the Company within the borough :
 - (6.) Nothing in this Act contained shall prejudice, lessen, or interfere with the powers of the corporation as a sanitary authority under the Public Health Act, 1875 :
 - (7.) The Company shall not stop up Sea View Road until they have completed, to the reasonable satisfaction of the surveyor to the corporation, the said street or road from Rimrose Road, otherwise Derby Road, to Regent Road, and the addition to Grove Street by this Act respectively provided for :
 - (8.) When and so soon as the said street or road and the said addition to Grove Street are completed, the same shall be for all purposes public streets or roads under the jurisdiction and control of the corporation, but the Company shall keep the same in efficient repair for two years from the completion thereof :
 - (9.) 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 borough or other rate, and until any works to be constructed in the borough 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 corporation 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 rated in the said last rate.

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29. The Company shall not interfere with the main pipe of the South Staffordshire Waterworks Company now laid in the public footpath which crosses the Lammas Lands in Walsall from Bridgeman Street to Bradford Street until they shall have given thirty days previous notice to the Waterworks Company, requiring them to provide and lay down a new substituted main pipe in the course of Bridgeman Street, Bradford Street, and an intended new road or open space at the junction of those streets; and within the said period of thirty days the said Waterworks Company shall and will, at the expense of the Company, provide and lay down in the before-mentioned course a substituted main pipe as required by such notice, the same to be six inches in internal diameter, and to be connected with the existing main pipe of the Waterworks Company at or near the point where that pipe passes from Bridgeman Street on to the said Lammas Lands, and also at the point where the Waterworks Company's main pipe in Bradford Street passes into Cross Street in Walsall, and also shall and will at the like expense, when the substituted main pipe shall have been laid and completed fit for use, take up and remove the existing main pipe of the Waterworks Company which lies between those points of junction, and the Waterworks Company shall give the Company credit in account for the value of the existing pipe so taken up and removed; and if any difference shall arise between the companies as to the said works, or the expense of executing them, or as to the value of the said pipe, the same shall be settled by arbitration.

For the protection of the South Staffordshire Waterworks Company.

30. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, 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.

Notice to be given of taking houses of labouring classes.

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Provision as to accommodation for persons belonging to labouring classes.

31. And whereas the construction of the works and the acquisition and appropriation by the Company of lands, houses, and buildings as by this Act authorised will involve a removal of some houses of the class referred to in the immediately preceding section, 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; and 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.

Powers for compulsory purchases limited.

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

Power to grant easements.

33. 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 required for the purposes of this Act in, over, or affecting lands; and the provisions of the Lands Clauses 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.

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

34. And whereas in the exercise of the powers of this Act it may happen that portions only of certain lands, buildings, or manufactories shown on the deposited plans will be sufficient for the purposes of the Company, and that such portions may be severed from the remainder of the said properties without material detriment thereto: Therefore, notwithstanding section ninety-two of the Lands Clauses Consolidation Act, 1845, the owners of and persons interested in the lands, buildings, or manufactories described in the Second Schedule to this Act, and whereof parts only are required for the purposes of this Act, may, if such portions can in the judgment of the jury, arbitrator, or other authority assessing or determining the compensation under that Act 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 or other persons interested therein by severance or otherwise.

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35. The Company and the London and North-western Railway Company may stop up and discontinue as a public highway the under-mentioned portion of the road in the parish of Shackerstone, in the county of Leicester, which now crosses on the level the Ashby and Nuneaton Joint Railway of those two companies at a point thereon fourteen and a half chains or thereabouts east of the mile post on that railway marked "7;" (that is to say,

Power to Company and London and North-western Railway Company to stop up level crossing on Ashby and Nuneaton Railway.

So much thereof as lies between the fences of the said railway.

36. All rights of way over and along the several roads, footpath, or other highways, or portions thereof, which shall under the provisions of this Act be stopped up and discontinued, and over any of the lands which shall under those provisions be purchased or acquired, shall be and the same are hereby extinguished; but this provision shall not apply to any lands which the Company may under the powers of this Act acquire for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845.

Extinguishment of rights of way, &c.

37. The agreement between the Company and the Keighley Local Board of Health, which is set forth in the Third Schedule to this Act, is hereby confirmed and made binding on the Company and the local board, and full effect may and shall be given thereto; and so much of section seven of the Midland Railway (Additional Powers) Act, 1873, and so much of the Midland Railway (New Works, &c.) Act, 1876, as are inconsistent therewith shall be and the same are hereby repealed:

Confirming agreement with Keighley Local Board.

Provided always, that nothing in this Act or in the scheduled agreement contained shall authorise the Company to stop up so much of Dalton Lane as abuts upon or lies to the south of the works of Messieurs Butterfield & Company, known as "The Midland Tool Works."

38. The time limited by the Wolverhampton, Walsall, and Midland Junction Railway Act, 1872, for the construction of the railways and works by that Act authorised is hereby extended for a period of one year from the sixth day of August one thousand eight hundred and seventy-seven, and section thirty-three of the Midland Railway (Additional Powers) Act, 1874, so far as the same relates to the said railways and works, shall be read and construed

Extension of time for completion of portions of Wolverhampton, Walsall, and Midland Junction Railways.

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

Power to
Company to
provide
hotels, re-
freshment
rooms, &c.

39. The Company may hold, enjoy, and maintain as part of their undertaking the hotels now belonging to or held by them at their London terminus and at Derby, Leeds, and Morecambe; they may build, provide, and maintain as part of their undertaking, at or connected with any station on any railway owned or worked by them, either solely or jointly with any other company, refreshment rooms and other like accommodation; they may furnish, stock, equip, manage, and conduct such hotels and refreshment rooms, and the business thereof, and may employ officers, managers, and servants therein or in connexion therewith; and they may apply their corporate funds to those purposes or any of them, and may acquire and hold lands for those purposes. The expenditure already incurred by the Company in or about any of before-mentioned purposes is hereby sanctioned and confirmed; and the Company may let on lease or otherwise any hotel, refreshment room, or other like accommodation so provided by them as aforesaid.

Company
may esta-
lish savings
banks.

40. With respect to any savings banks to be established by the Company, the following provisions shall apply:

(1.) The Company may establish a savings bank or savings banks, with or without branches, at such of the stations on their railways as they may think fit, and may thereat receive by way of deposit from any of their officers, clerks, servants, workmen, or apprentices, or from the officers, clerks, servants, workmen, or apprentices of any other company working or using the undertaking of the Company, and from the husbands, wives, children, fathers, mothers, brothers or sisters, nephews or nieces, or wards, being minors, of such officers, clerks, servants, workmen, or apprentices, any money at interest:

(2.) Every such deposit, with the interest thereon, shall be a charge on the net profits of the Company's undertaking next after the mortgage and other debts of the Company and the interest on their debenture stock:

(3.) Two copies of the rules of any such savings bank, and of every amendment of the same from time to time (the term

amendment to include a new rule and the cancelling of a rule), under the hands of three of the directors and of the secretary of the Company, shall be sent to the Registrar of Friendly Societies (as defined by the Friendly Societies Act, 1875) :

- (4.) Such rules shall contain provisions —
- (a.) For the management of the savings bank and for the chief office of the same :
 - (b.) If thought fit, for the appointment and discharge of trustees :
 - (c.) For the payment in and the withdrawal of deposits, the rate of interest thereon, and the payment of such interest :
 - (d.) For the keeping and auditing of accounts :
 - (e.) For the balancing of accounts once a year at least, and the sending, on or before the 1st April in every year, to the Registrar of Friendly Societies a general statement (to be called the Annual Return) of the receipts and expenditure, funds and effects, of the savings bank as audited, made out to the 31st December then last, inclusively, with a copy of the auditors report, if any :
 - (f.) For supplying every depositor on demand with a copy of the rules for the time being at a price not exceeding sixpence, and with a copy of the annual return gratuitously :
 - (g.) For keeping a copy of the last annual return, with the auditors report, if any, always hung up in a conspicuous place at the office of the savings bank :
 - (h.) For giving notice within fourteen days to the registrar of any change in the chief office, and of the appointment of any new trustees :
- (5.) The registrar, on being satisfied that the rules or that any amendment of rules of a savings bank are or is in conformity with law and with the provisions of this section, shall issue to the Company an acknowledgment of registry of such savings bank, or of such amendment of rules, which shall be conclusive evidence that such savings bank or such amendment of rules are or is duly registered :
- (6.) The rules when so registered shall be binding on the Company and its officers, and on the depositors and their executors, administrators, and nominees. Unless otherwise

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provided, the Company shall be deemed to be the trustees of any savings bank established by them :

- (7.) Deposits may, if the rules so allow, be received from or on account of married women, and section 2 of the Married Women's Property Act, 1870, shall apply to all such deposits :
- (8.) Deposits may, if the rules so allow, be received from or on behalf of infants, and infants above the age of 16 years may execute all instruments and give all acquittances necessary to be executed or given under the rules ; but all instruments and acquittances relating to the deposits of infants under the age of 16 shall be executed or made by their parents or guardians :
- (9.) A depositor above the age of 16 may by writing under his hand, sent to the office of the savings bank, nominate any person to whom his deposits, not exceeding £50, shall be paid at his decease, and may from time to time in like manner revoke or vary such nomination :
- (10.) The deposits, not exceeding £50, of a person who dies intestate, and without having made any nomination under this section which remains unrevoked at his death, may be paid without letters of administration to the person who appears to the trustees or a majority of the trustees, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same :
- (11.) Sections 9, 10, 44, 45, 46, 48, and 49 of the Act of the twenty-sixth and twenty-seventh Victoria, chapter eighty-seven, to consolidate and amend the laws relating to savings banks, as amended by the Savings Bank Barrister Act, 1876, shall apply to every savings bank herein mentioned :
- (12.) If the trustees or officers of a savings bank fail to give any notice, send any document or return, or to do anything which the savings bank is hereby required to do, or make a return or wilfully furnish information to the registrar in any respect false or insufficient, or otherwise act contrary to the provisions of this section, they shall be liable to a penalty not exceeding £5, recoverable at the suit of any person aggrieved, or of the chief or any assistant registrar of Friendly Societies, in a court of summary jurisdiction, and in manner directed by the Summary Jurisdiction Acts as defined respectively in the Friendly Societies Act, 1875 :

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(13.) Section 39 of the Friendly Societies Act, 1875, shall apply to any instrument or document, copy or extract of an instrument or document, to be executed or issued by a registrar for the purposes of this section. A copy of the rules under the seal of the Company shall also be evidence of such rules : A.D. 1877.

(14.) The following fees shall be payable to the registrar for matters to be transacted under the provisions of this section, and shall be paid by such registrar into the receipt of Her Majesty's Exchequer :

	£	s.	d.
For the acknowledgment of registry of a savings bank, and of every amendment of rules of the same - - - - -	1	1	0
For the determination of a registrar on a dispute - - - - -	1	1	0
And if more than one hearing or adjournment become necessary, then £1 1s. more for every hearing after the first and for every adjournment.			
For every document required to be signed by a registrar or to bear the seal of the Central Office (as defined by the Friendly Societies Act, 1875), not chargeable with any other fee to the registrar - - - - -	0	2	6
For every inspection on the same day of documents (whether one or more) in the custody of the registrar relating to one and the same savings bank - - - - -	0	1	0
For every copy or extract of any document in the custody of the registrar not exceeding two hundred and sixteen words - - - - -	0	15	0
And if exceeding that number, 4d. per folio of seventy-two words (in addition to the fee, if any, for the signature of a registrar or seal of the Central Office).			

41. 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 seven hundred and fifty 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 Power to Company to raise additional money by creation of shares or stock.

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Act, 1877.

A.D. 1877. — Company may create and issue such shares or stock either wholly or partially as ordinary, or wholly or partially as preferential, shares or stock, as they may think fit.

Shares not to issue until one-fifth part paid up.

42. 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.

As to amount and issue of new shares or stock.

43. 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, and the directors of the Company may from time to time (but subject to the provisions of this Act) fix the amounts and times of payment of the calls on the new shares created under the powers of this Act; and 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.

Votes in respect of new shares or stock.

44. The Company may from time to time, 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 any total or partial, permanent or temporary, restrictions of the rights of voting and other qualifications of the holders thereof.

A.D. 1877.

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

Shares or stock of same class to have like privileges.

46. 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.

Vesting of new shares or stock.

47. 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 Company may authorise the directors to dispose of the same in such manner as they may deem most for the advantage of the Company.

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

48. 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 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.

Qualifications of new shares or stock.

49. 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.

Saving rights of existing preference shareholders.

50. 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,

New shares or stock raised under this Act and any other

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Act, 1877.

A.D. 1877.
Acts of past
or present
sessions may
be of same
class.

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 Acts and this Act respectively authorised to raise by means of new shares or stock.

Power to
borrow on
mortgage.

51. The Company may, in respect of the additional capital of seven hundred and fifty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage for the purposes of this Act and for the general purposes of their undertaking any sum not exceeding in the whole two hundred and fifty thousand pounds, but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock (as the case may be) were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also if the said capital is raised by means of shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same. Upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid in reference to such capital has been given, which certificate shall be sufficient evidence thereof.

Provisions
with respect
to appoint-
ment of a
receiver.

52. 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.

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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.

A.D. 1877.

53. 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.

54. 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.

Company may create debenture stock.

55. All moneys raised under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied to the purposes of this Act and to the general purposes of the undertaking of the Company, and to no other purpose.

Application of moneys.

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

57. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend 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.

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

58. 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.

Railways
not exempt
from provi-
sions of pre-
sent and
future gene-
ral Acts.

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

Expenses of
Act.

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

SCHEDULES referred to in the foregoing Act.

A.D. 1877.

FIRST SCHEDULE.

AN AGREEMENT made the 19th day of March 1877, between the Mayor, Aldermen, and Burgesses of the borough of Walsall (herein-after called "the Corporation") of the one part, and the Midland Railway Company (herein-after called "the Company") of the other part.

WHEREAS the Company have made an application to Parliament for an enactment (herein-after called "the proposed Act") to authorise them to construct railways with stations and works in the township of the Foreign of Walsall, in the parish of Walsall, in the county of Stafford, and for that purpose to enter upon, take, and use certain lands in the said township delineated in the plans and described in the books of reference deposited for the purposes of the proposed Act: And whereas the lands so delineated and described as last aforesaid include certain lands known as Lammas Lands, which are delineated and described in the plan annexed to these presents, and thereon coloured green, and are herein-after called "the Lammas Lands," and the freeholders and householders, ratepayers and inhabitants of the borough of Walsall, in the county of Stafford, or of some part or parts thereof, have or claim to have certain commonable or other rights over or in the Lammas Lands, and subject to such commonable and other rights (herein-after called "the commonable rights") the Lammas Lands are vested, as to parts thereof (known as and herein-after called "Long Meadows"), in the lord of the manor of Walsall, and as to a further portion thereof, lying in a field known as and herein-after called the "Mill Furlong," in the Corporation, and as to the remaining part thereof, in various owners: And whereas the Lammas Lands contain 12a. 1r. 19p., 7a. 2r. 23p., and 2 roods and 25 perches, or thereabout, (exclusive of a portion thereof, the commonable rights in respect of which were agreed to be taken by the London and North-western Railway Company under the agreement herein-after mentioned in clause 1 of this agreement,) and are bounded in part by streets in the borough of Walsall known as "Bradford Street" and "Bridgman Street," and in part by a lane known as "Tasker's Lane," and by a road known as the "Wednesbury Road," which street, lane, and road are respectively marked on the said plan hereto annexed and are herein-after referred to by the said names: And whereas a sewer, vested in and under the control of the Corporation as the urban sanitary authority, passes through the Long Meadows in the position indicated on the said plan hereto annexed with a broken blue line, and is herein-after referred to as "the sewer in the Long Meadows:" And whereas the terms herein-after

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A.D. 1877. expressed (amongst others) have been arranged between the Corporation and the Company, and for the purpose of the said terms it has been arranged that the Company shall use their best endeavours to obtain Parliamentary powers by the proposed Act to enable the terms herein-after expressed to be carried out, and in particular to enable the commonable rights to be extinguished on the terms and in consideration of the payments to the Corporation herein-after agreed upon in lieu of the alternative payment herein-after mentioned: Now it is hereby agreed as follows:

1. The Company shall under the powers of the proposed Act purchase and acquire so much of the Lammas Lands as shall not be taken by the London and North-western Railway Company under the powers of the London and North-western Railway (New Lines and Additional Powers) Act, 1876, or under the terms of the agreement of the 28th day of April 1875 scheduled thereto, and it shall be part of the terms of the said purchase that the Company shall pay to the Corporation or otherwise, in accordance with the provisions of the Lands Clauses Consolidation Act, 1845, a sum calculated at the rate of £300 per acre for the commonable rights in respect of so much of the Lammas Lands as aforesaid, and that the Corporation shall hold the sum so paid upon trust to apply the same towards a fund for the provision and maintenance of public recreation grounds for the borough of Walsall, according to the 164th section of the Public Health Act, 1875.

2. The Corporation shall at the expense of the Company do all such things as the Company shall reasonably require for facilitating the acquisition by the Company of so much of the Lammas Lands as aforesaid on the terms aforesaid.

3. In addition to the sums hereby agreed to be paid in respect of the commonable rights and for the purchase of the land hereby agreed to be sold, the Company shall pay to the Corporation the further sum of £1,000 as a contribution towards the cost of providing public recreation grounds for the borough of Walsall.

4. The Company shall not, under the authority of any Act of Parliament or otherwise, take possession of any portion of the Lammas Lands until the whole of the moneys by the 1st and 3rd clauses of this agreement agreed to be paid shall have been duly paid in accordance therewith.

5. The Corporation shall, subject to the approval of the Lords of the Treasury, sell, and the Company shall purchase, the estate and interest of the Corporation in the said portion of the Mill Furlong which is vested in the Corporation of Walsall as aforesaid, and containing 1 acre 1 rood and 30 perches, subject to the commonable rights, at a price estimated at the rate of £800 per acre of the said portion, in addition to the £300 per acre for the commonable rights; and this agreement for sale and purchase shall take effect as an agreement for sale and purchase of the estate and interest aforesaid independently of the agreement for payment in respect of the commonable rights.

6. The Corporation shall give such evidence of their title to such estate or interest as aforesaid in the said last-mentioned portion of the Mill Furlong as the Company shall require, and the Company shall pay all the costs, charges, and expenses of and incident to the deduction and verification of title and the completion of the sale and purchase as provided by the Lands Clauses Consolidation Act, 1845.

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7. The Company shall at their own expense, by widening and altering Tasker's Lane, make and form, and complete within fifteen months from the date hereof, a new and substituted street, of the dimensions and description herein-after mentioned, commencing at the point in Tasker's Lane indicated on the said plan by the letter "A," and leading along the present site of Tasker's Lane and the land on the north-east side thereof, as indicated on the said plan by broken red lines, to the point at the junction of Tasker's Lane with the Wednesbury Road, indicated on the said plan by the letter "B."

8. The Company shall acquire and give up the land requisite for the construction of the said new street, and shall dedicate the same when completed to the use of the public.

9. The said street shall be made and formed of a clear width of 40 feet at the least, with a carriageway properly metalled and formed to the reasonable satisfaction of the borough surveyor for the borough of Walsall, and with foot-paths on both sides thereof of a clear width of six feet and eight inches each, properly paved, kerbed, and channelled to the like satisfaction; and the works to be done by the Company as part of the making and formation of the said street shall include proper fences, sewers, drains, and works constructed in such positions and in such manner as shall be reasonably required by the borough surveyor, having regard to the requirements of the said new street and to the sewerage, drainage, and other works within the borough of Walsall and to the level of the Wednesbury Road.

10. The Company shall also, without any further consideration than the provisions of this agreement, give up and dedicate to the use of the public, as part of the streets or open ground for traffic within the said borough under the control of the Corporation of Walsall, a portion of the Lammas Land lying at the junction of Bridgman Street and Bradford Street, containing about 2 roods and 25 perches, and indicated on the plan hereto annexed by a green border.

11. The Corporation shall be at liberty to maintain and use the said existing sewer in the Long Meadows in perpetuity, and at any time within twelve months after the passing of the proposed Act to substitute a new or enlarged sewer for the same, and also at any time within twelve months after the passing of the proposed Act to construct and use in perpetuity a new deep sewer throughout the whole length of the Long Meadows, in such direction and at such depth as shall be agreed between the said borough surveyor and the engineer of the Company, or, failing agreement, shall be determined by an engineer to be nominated for that purpose by the President of the Local Government Board; and the Corporation shall be at liberty at all times hereafter to enter upon the Long Meadows for the purpose of maintaining, cleansing, or repairing the said existing or substituted sewer and the said additional and new sewer, and the Company shall so construct their works upon the Long Meadows as to provide means for the maintenance, cleansing, and repair of the said sewers.

12. The Company shall pay all the costs, charges, and expenses of the Corporation of and incident to the negotiations preliminary to and for the preparation and execution of this agreement and the carrying out of the same.

13. This agreement shall, subject to the sanction of Parliament and to such alterations as Parliament may make therein, be scheduled to and confirmed by the Bill for the proposed Act, and shall not be deemed to bind the parties

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A.D. 1877. hereto except so far as confirmed as aforesaid; and the Corporation will not oppose the passing of the proposed Act in such form as shall be consistent with the terms aforesaid.

In witness whereof the Corporation and the Company have caused their respective common seals to be hereunto affixed the day and year first above written.

Seal of the
Corporation of
Walsall.

Seal of the
Midland
Railway
Company.

SECOND SCHEDULE.

DESCRIBING LANDS, BUILDINGS, AND MANUFACTORIES OF WHICH
PORTIONS ONLY ARE REQUIRED.

Township or Parish.	Numbers on deposited Plans.
Gresley, otherwise Church Gresley -	7, 8.
Wolverhampton - - -	93, 94.

THIRD SCHEDULE.

AGREEMENT made the 24th day of October 1876, between the Keighley Local Board of Health (herein-after referred to as the Board) of the one part, and the Midland Railway Company (herein-after referred to as the Company) of the other part.

WHEREAS by the Midland Railway (Additional Powers) Act, 1873, the Company were (amongst other things) authorised to make and maintain an alteration or deviation in the line and levels of their Leeds and Bradford Extension Line at Keighley, in the west riding of the county of York, which involved an alteration in the levels of certain roads which crossed or were adjacent to the said portion of railway: And whereas it was by section 7 of the said Act (herein-after referred to as section 7) enacted as follows:

7. In the alteration of the levels of a portion of the road called the Leeds and Bradford turnpike road, as shown upon the deposited plans and sections

relating to the alteration or deviation of the Company's Leeds and Bradford Line by this Act authorised, and the execution of the other works connected therewith, the following provisions shall apply and be in force, and full effect shall be given thereto: A.D. 1877.

1. The Company shall not, without the consent of the Local Board of Health for the district of Keighley (in which district the said portion of road is situate), divert laterally any portion of the said turnpike road from the present site thereof between the letters C and D shown on the deposited plans:
2. The altered portion of the said road between the said letters C and D, including the bridge for carrying the same over the railway, shall have a clear roadway, including footpaths, of not less than 55 feet throughout, except on the said bridge to the extent of 80 feet, which shall have a clear roadway, including footpaths, of not less than 42 feet 6 inches:
3. If the said Local Board shall, within three months from the passing of this Act, require the Company to construct the said bridge of the clear width of 45 feet, they shall accordingly make the same of that width, and when and so soon as the alteration of the said road is completed and opened the said Local Board shall, on demand, pay to the Company the excess of cost incurred by them by reason of the said bridge being constructed with a roadway of the width of 45 feet instead of 42 feet 6 inches: Provided that for the purpose of ascertaining the amount of such excess, if the bridge be of a greater length than 80 feet the proportionate cost of 80 feet of the bridge shall be taken as the whole cost of the bridge. Any difference between the Company and the said Local Board relating to the matters aforesaid shall be settled by arbitration as herein-after provided:
4. The parapets of the said bridge shall be of such height from the level of the roadway on each side of the bridge throughout the entire crossing of the railway and for such further extent in length at both ends as shall be agreed upon between the engineer of the Company and the engineer of the said Local Board, or as in case of difference shall be settled by arbitration as herein-after provided. The Company shall place and provide upon the bridge and the approaches thereto such a number of gas lamps as pillars as the said Local Board may reasonably deem sufficient, or as in case of difference is settled by arbitration as aforesaid:
5. The Company shall at their own expense round off the two corners of Dalton Lane, where that lane joins the said road, to such extent and in such manner as, failing agreement between the Company and the said Local Board, shall be settled by arbitration in the manner herein-after provided:
6. In altering the gradients of Dalton Lane so as to connect that lane with the altered portion of the said road, those gradients shall not in any part thereof, without the consent of the said Local Board, be made of a steeper inclination than 1 in 30:
7. The portion of the said road and of Dalton Lane and of any other road or street in the said district altered, taken up, or interfered with by the Company under the provisions of the Act, shall well and sufficiently and

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- to the reasonable satisfaction of the said Local Board be restored by the Company, who shall, at their own expense, maintain the same in good repair to the like satisfaction, except as to Dalton Lane and Mill Road, which shall be maintained by the Company for twelve months only :
8. Whenever it may be necessary to alter or interfere with or disturb any of the sewers or drains, or any of the gas, water, or other mains or pipes or apparatus belonging to the said Local Board, such alteration, interference, or disturbance shall be carried out by and under the direction and to the reasonable satisfaction of the said Local Board, but at the expense in all respects of the Company :
 9. The cost of constructing, providing, and laying any new sewers, drains, mains, pipes, or other apparatus in substitution for those which may be rendered useless by such alteration, shall on demand be repaid to the said Local Board by the Company :
 10. The cost of any sewers, drains, water, gas, or other pipes or apparatus belonging to or under the control of the said Local Board, rendered useless or unproductive to them by the works or operations of the Company, shall on demand be repaid to the said Local Board by the Company :
 11. All the rights and powers now vested in the said Local Board with reference to the construction and laying down, repair, alteration, and inspection of sewers, drains, water and gas and other mains, pipes, and apparatus under and along streets and highways within their district, shall extend and apply to the new, altered, or diverted roads and streets :
 12. Any sum or sums of money which under the provisions of this Act the said Local Board may become liable to pay to the said Company, or the Company may become liable to pay to the said Local Board, may be recovered by the Company or the said Local Board, as the case may be, with full costs of suit, in any court of competent jurisdiction :
 13. Any difference which may arise between the Company and the said Local Board as to the true intent and meaning of the foregoing provisions, or the mode of giving effect thereto, shall from time to time be determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act, 1845 :

And whereas by the *Midland Railway (New Works, &c.) Act, 1876*, the Company are enabled to purchase and take certain other lands in the parish of Keighley for the purpose of carrying out the alterations authorised by the Act of 1873, but it is therein provided that nothing in the said Act (of 1876) contained shall authorise the Company to stop up or divert Dalton Lane otherwise than as authorised by the Act of 1873, or to modify section 7 of that Act: And whereas the Company allege that it has been found impracticable to comply literally with the terms of section 7, and the terms herein-after expressed have been agreed between the Board and the Company: Now these presents witness that it is hereby agreed between the parties hereto as follows :

1. The Board (so far as they lawfully can or may) will not object to the diversion of Dalton Lane by the Company in the line shown on the plan annexed to these presents, such diverted road to be of the minimum width of forty-two feet throughout, with causeways on each side within that width of

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Act, 1877.

seven feet each, but the gradient of such diversion shall not be steeper than as provided for by section 7, sub-section 6, of the Act of 1873. A.D. 1877.

2. The diversion of Dalton Lane shall be carried out by the Company under the direction and to the satisfaction of the surveyor of the Board so far as the surface is concerned. The deviated roadway shall be properly paved with Yorkshire sets, and all right of sewers across, under, and along the said diverted road shall be reserved to the Board. The parapet walls of the said diverted road on each side shall not be less than 5 feet in height above the causeway, and the corners of Dalton Lane, where it joins the Bradford Road, shall be rounded off in manner and to the extent shown upon the said plan.

3. The Company shall for ever maintain in repair the structure of the said diverted road, and they shall also maintain the surface thereof for 12 months after completion.

4. The Company shall, to the satisfaction of the surveyor of the Board, make steps to communicate between Dalton Lane as existing and as proposed to be diverted, opposite to the north end of the Midland Tool Works.

5. The bridge carrying the Keighley and Bradford Road over the railway shall be constructed of the clear width of not less than 45 feet, including a causeway on each side of the width of 7 feet 6 inches. The roadway shall be properly paved with Yorkshire sets, and the parapet walls of the roads and bridge shall not be less than six feet in height above the surface of the causeways.

6. The Company in constructing the said bridge and in altering Bradford Road shall construct at their own costs, and for ever after keep in repair, sufficient subways underneath, such subways to be six feet high by five feet wide, and to extend in a straight line between the letters A and G, E and F, and H and B marked thereon, and shall make due provision for access to and user thereof by the Board at all times for the purpose of examining, placing, removing, repairing, altering, or constructing any existing or new water, gas, or other mains or pipes.

7. Where the man-holes to existing sewers shall be interfered with by the Company in carrying out the alterations authorised by their said Acts of 1873 and 1876, as proposed to be modified by these presents, the Company shall make proper provision at their own cost for restoring access to such sewers by the Board.

8. The Company shall provide and place a sufficient gas lamp, of the kind in use by the Board in the town of Keighley, at each of the places marked "lamp" on the said plan, with all necessary pipes, mains, and appliances thereto.

9. All causeways to be constructed by the Company under the provisions of the said Acts and of these presents shall be laid and constructed in the manner and of the materials in use by the Board in the town of Keighley for the construction of causeways.

10. The Company in altering the said Bradford Road and Dalton Lane shall construct sufficient surface drains underneath the altered roads and bridge to carry off the surface waters.

11. Except as modified by this agreement, the obligations imposed upon the Company by section 7 of the Act of 1873 and by the Act of 1876 shall remain in force.

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A.D. 1877.

12. The Company shall at their own expense apply for Parliamentary sanction to this agreement in the next session of Parliament, and the Board shall, at the request and sole cost in all respects of the Company, support such application.

13. The Board shall be released from the obligation to pay any sum of money under sub-section 3 of section 7 of the Act of 1873.

14. The Company shall forthwith commence the execution of the works indicated in these presents, and diligently carry on the same to completion.

15. The expenses of and incident to this agreement and of carrying the same into effect shall be borne and paid by the Company.

16. This agreement shall be subject to the sanction of Parliament, to be obtained as above provided, and if not so sanctioned, the provisions of section 7 of the Act of 1873 shall again come into full force unmodified by these presents.

In witness whereof the common seals of the Local Board and the Company have been respectively affixed the day and year first herein-before written.

The common seal of the Local Board was affixed,
and Benjamin Septimus Brigg, the Chairman
thereof, signed his name, in the presence of
George Burr, Solicitor, Keighley. } B. S. BRIGG,
Chairman.



The common seal of the Midland Railway Com-
pany was hereunto affixed in the presence of
William Morley, Clerk to the said Company
at Derby. }

