



CHAPTER cxxxviii.

An Act to confer additional powers upon the Midland Railway Company and upon that Company and the Great Northern and London and North-western Railway Companies respectively for the construction of works and the acquisition of lands for vesting in the Midland Railway Company and the Great Western Railway Company the undertaking and powers of the Bristol Port Railway and Pier Company and for other purposes.

A.D. 1890.

[25th July 1890.]

WHEREAS it is expedient that the Midland Railway Company (in this Act called "the Company") should be empowered to construct the new railways and the road and street and to execute the other works and exercise the other powers in this Act mentioned and also to acquire additional lands for the purposes of this Act and for extending their station siding warehouse coal wharf dépôt mineral goods and other accommodation and for other purposes connected with their undertaking:

(New railways and other works additional lands &c.)

And whereas it is expedient that the Company and the Great Northern Railway Company (in this Act called the Great Northern Company) as owners of the portions of the Eastern and Midlands Railway vested in them by the Midland Railway Act 1889 should be empowered to make the new railways and other works in this Act mentioned in that behalf:

And whereas plans and sections showing the lines and levels of the railways and other works by this Act authorised and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace for the several counties within which the said railways and other works will be made and

(Deposit of plans.)

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Powers) Act, 1890.

A.D. 1890. — 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 :

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

(Abandonment of authorised railways.) And whereas it is expedient that the portions herein-after described of the Cottesmore and Bourn Deviation Railway No. 1 authorised by the Midland Railway Act 1889 and of the Railway No. 1 authorised by the Eastern and Midlands Railway (Extensions) Act 1888 and of the Company's Blackwell Branch Extension respectively should be abandoned :

(Company and North-western Company.) And whereas it is expedient that the Company and the London and North-western Railway Company (in this Act called "the North-western Company") should be empowered to make and carry into effect agreements with respect to the ownership and construction of the Enderby Branch by this Act authorised and otherwise with reference thereto :

(Bristol Port Railway and Pier Vesting.) And whereas it is expedient that provision should be made as contained in this Act for the sale and transfer to and vesting in the Company and the Great Western Railway Company (in this Act called "the Great Western Company") of the undertaking of and of all the property powers rights and privileges now vested in the Bristol Port Railway and Pier Company (in this Act called "the Bristol Company") upon the terms in this Act mentioned :

(Agreement as to lands at Saint Pancras.) And whereas by section 19 of the Midland Railway Act 1889 the Company were authorised to widen a portion of their railway in the parish of Saint Pancras and for that purpose to enter upon take and use amongst other lands a portion of the site of the Old Saint Pancras burial ground and it was provided by section 20 of the said Act that before taking any part of the said burial ground the Company should purchase and acquire certain lands therein mentioned or referred to and should transfer and vest the same to and in the vestry of the parish of Saint Pancras to be held as an open space as therein mentioned :

And whereas the last-mentioned lands included certain lands vested in the Reverend John Marjoribanks Nisbet as rector of the parish church of Saint Giles-in-the-Fields in the county of Middlesex :

And whereas the said rector with the consent of the Lord Bishop of the diocese and of the Ecclesiastical Commissioners has entered into an agreement for the sale to the Company of the said lands

vested in him as aforesaid and for the application of the purchase money but such agreement cannot be carried into effect without the authority of Parliament and it is expedient that the said agreement as set forth in the Third Schedule to this Act should be sanctioned and confirmed and the parties thereto empowered to carry the same into effect: A.D. 1890.

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of the railways and other works by this Act authorised and also for the making and enlargement of stations sidings warehouses engine sheds workshops coal wharves depôts mineral goods and other works and conveniences for the accommodation of the 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: (Capital of Company.)

And whereas it is expedient that the Great Northern Company the North-western Company and the Great Western Company respectively should be empowered to apply their funds to the purposes of this Act in which they are interested: (Application of funds by other companies.)

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 (Additional Powers) Act 1890. Short title.

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

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845:

Part I. (relating to the construction of a railway) Part III. (relating to working agreements) and Part V. (relating to amalgamation) 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;

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The forfeiture of shares for non-payment of calls;
 The remedies of creditors of the Company against the shareholders;
 The borrowing of money by the Company on mortgage or bond;
 The conversion of borrowed money into capital;
 The consolidation of shares into stock:

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

Interpretation.

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 railways" means the new railways by this Act authorised:

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

The expressions "parish clerks" and "clerks of the several parishes" in sections 7 8 and 9 of the Railways Clauses Consolidation Act 1845 shall with reference to the Company and as regards those parishes or places within the metropolis as defined by the Metropolis Management Act 1855 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 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.

Power to Company to make new railways.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections thereof respectively the railways 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 respectively as may be required for that purpose:

The railways and works herein-before referred to and authorised by this Act to be made by the Company are— A.D. 1890.

A railway (to be called the Chapeltown Branch) four miles and four furlongs in length situate wholly in the West Riding of the county of York commencing in the parish of Sheffield by a junction with the Company's railway from Sheffield to Rotherham and terminating in the township of Ecclesfield in the parish of Ecclesfield at a point six chains or thereabouts south-east of a point on the road from Chapeltown to Wentworth five and a half chains in a southerly direction from the bridge carrying the Manchester Sheffield and Lincolnshire Railway over the said road :

A railway (to be called the Kirkby Curve) four furlongs and five chains in length situate wholly in the township of Kirkby-in-Ashfield in the parish of Kirkby-in-Ashfield in the county of Nottingham commencing by a junction with the Company's railway from Pye Bridge to Mansfield and terminating by a junction with the Company's railway from Nottingham to Mansfield :

A railway (to be called the Sutton-in-Ashfield Branch) five furlongs and six chains in length situate wholly in the township and parish of Sutton-in-Ashfield in the county of Nottingham commencing by a junction with the Company's Nottingham and Mansfield Railway and terminating in the field numbered 637 on the Ordnance map $\frac{1}{2500}$ scale of the county of Nottingham :

A railway (to be called the Enderby Branch) two miles five furlongs and six chains in length situate wholly in the county of Leicester commencing in the township of Narborough in the parish of Narborough by a junction with the South Leicestershire Branch of the London and North-western Railway and terminating in the township of Enderby in the parish of Enderby at or near the Enderby Hill Granite Quarries :

A railway (to be called the Irchester and Raunds Branch) eight miles four furlongs six chains and seventy links in length situate wholly in the county of Northampton commencing in the parish of Irchester by a junction with the Company's railway from Leicester to Bedford and terminating in the parish of Raunds by a junction with the Company's Kettering Thrapston and Huntingdon Branch :

A railway (to be called the Bedford Curve) six furlongs and one chain in length situate wholly in the county of Bedford commencing in the parish of Saint Mary Bedford by a junction

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A.D. 1890. — with the Company's railway from London to Leicester and terminating in the parish of Saint Paul Bedford by a junction with the same railway.

Tolls. 5. Subject to the provisions of the Railway and Canal Traffic Act 1888 the railways by this Act authorised to be made by the Company shall for the purposes of tolls and charges and for all other purposes whatsoever be part of the railway of the Company as if the same had been part of the Midland Railway vested in the Company by the Act (local and personal) 7 and 8 Vict. chapter xviii. 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 and 10 Vict. chapter cccxxvi. entitled "An Act to consolidate the Bristol and Gloucester and "Birmingham and Gloucester Railway Companies with the Midland "Railway Company."

Inclination of a certain road. 6. In altering for the purposes of the Enderby Branch the road numbered on the deposited plans 34 in the parish of Narborough the Company may make the same of any inclination not steeper than one in fifteen.

Power to divert roads as shown on deposited plans. 7. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of the justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say):—

Railway.	Parish.	Number of Road on deposited Plan.
Chapeltown Branch	Sheffield - -	6
	Ecclesfield - -	3

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

8. For the protection of the county council of the West Riding of the county of York (in this section called "the council") the following provisions shall have effect unless otherwise agreed on in writing between the council and the Company (that is to say):—

A.D. 1890.
For the
protection of
the county
council of
the West
Riding.

The bridges whereby the Chapeltown Branch Railway is to be carried over the Rotherham and Four Lane Ends Road near Chapeltown and the Wakefield and Sheffield Main Road in the township of Ecclesfield respectively shall be flat girder bridges of the full width of those respective roads between the fences thereof where so respectively crossed by the railway and shall have a clear headway throughout of not less than sixteen feet from the surface of the said roads respectively at the respective points of crossing to the under part of the girders and no part of the abutments of either of the said bridges shall project beyond or be recessed within the line of the said fences:

The said bridges shall be so constructed as to prevent as far as practicable the dropping of water upon the road beneath:

The said roads shall not during the construction of the said respective bridges or during any subsequent repairing thereof be unnecessarily obstructed or interfered with. All works in any way affecting the said roads or either of them shall be done under the superintendence and to the reasonable satisfaction of the surveyor of the council:

If any difference arises between the Company and the council as to the true intent and meaning of any of the provisions of this Act in relation to any works to be executed or any powers to be exercised affecting the said main roads or either of them such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be binding on both parties and the costs of the arbitration shall be borne as he shall direct.

9. And whereas it is expedient that this Act should contain certain provisions relative to lands hereditaments estates rights and interests belonging to the Queen's most Excellent Majesty in right of Her Duchy of Lancaster (in the rest of this section called "the duchy") as are herein-after contained Be it therefore enacted that—

Authorising
dealings with
property of
the Duchy of
Lancaster.

(1) With respect to any lands belonging to Her Majesty in right of the duchy which may be required for the purposes of this Act the following provisions shall (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting in the

(As to the
sale of
lands.)]

A.D. 1890.

said last-mentioned lands) have effect (that is to say) The chancellor and council for the time being (herein-after called "the chancellor and council") of the duchy may agree with the Company for the absolute sale in fee simple of all or any of the said last-mentioned lands or any part thereof in consideration of any such gross sum of money payable by the Company and upon such terms and conditions in all respects as shall be settled between the chancellor and council and the Company and in case the same lands shall be subject jointly with any other lands to any lease or tenancy for a life or lives or a term of years unexpired the chancellor and council may agree as well with the Company as also with the lessee or tenant for the apportionment of the rent payable in respect of the lands comprised in such lease or tenancy between the lands agreed to be sold and such other lands And upon payment of such (if any) agreed gross sum the chancellor and council may grant and assure the same lands and the fee simple and inheritance thereof to the Company their successors and assigns for the purposes of this Act and (if the same land shall be subject jointly with any other lands to any such lease or tenancy as aforesaid) may apportion or concur with all other necessary parties in apportioning the rent payable in respect of the lands comprised in such lease or tenancy between the lands so granted and assured and such other lands :

- (2) With respect to any such lands held by copy of court roll or other customary tenure of any honor manor or lordship belonging to Her Majesty in right of the duchy as may be required for the purpose of this Act the following provisions (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting of the same manor honor or lordship) shall have effect (that is to say) :—

The chancellor and council may agree with the Company for the enfranchisement of all or any of the said last-mentioned lands and for the release thereof from all or any of the customary fines rents suits and services which the same may be charged with or liable to in consideration of such gross sum of money payable by the Company and upon such terms and conditions in all respects as shall be settled between the chancellor and council and the Company :

And in case the same lands shall be liable jointly with any other lands to any such aforesaid rents suits or services the chancellor and council may agree as well with the

Company as also with the tenant or proprietor of such other lands for the release or apportionment of such rents suits and services either with or without any consideration being paid for the same : A.D. 1890.

Upon any such agreement for enfranchisement release or apportionment and upon payment of such (if any) agreed gross sum the chancellor and council may release the lands so to be enfranchised or released from all customary fines rents suits and services or (as the case may be) such of them or such part or parts thereof as shall have been in that behalf agreed and the lands so released shall thenceforth be holden by the Company their successors and assigns as of the honor manor or lordship whereof they are or were holden or parcel in free and common socage And every such release of lands if made previously to the purchase or acquisition by the Company of the estate and interest of the copyhold or customary tenant of such lands shall after such purchase or acquisition operate and take effect as if the Company had been in possession of the same lands at the time of the execution of such release :

Provided that no such enfranchisement release or apportionment shall in any other respects affect any custom by or under which any copyhold or customary lands not required for the purposes of this Act shall be holden :

And whenever any such aforesaid release of lands shall be made any other lands which were previously subject jointly with the released lands to any such rents suits and services as aforesaid shall as between the Company and Her Majesty in right of the duchy (but expressly without prejudice to any right of contribution in respect of such rents suits or services which previously to such release the tenant or proprietor of such other lands may have had against the tenant or proprietor of the released lands) thenceforth be subject to the whole of such rents suits and services or (as the case may be) to such of them or such parts or part thereof as shall not have been comprised in and intended to be extinguished by that release in the same manner in all respects as the entirety of the lands so previously subject as aforesaid would have continued subject to the whole of such rents suits and services if such release had not been made and all the rights powers and remedies subsisting previously to such release for the

A.D. 1890.

recovery of the whole of the said rents suits and services shall as against the lands not so released be and thenceforth remain as between the Company and Her Majesty in right of the duchy (but without prejudice as aforesaid) as available and as valid and effectual in the law to all intents for the recovery of the same rents suits and services or (as the case may be) such of them or such parts or part thereof as shall not have been comprised in and intended to be extinguished by the same release as if the said last-mentioned lands had originally been alone subject to the same rents suits and services or such of them or such parts or part thereof as last aforesaid :

(As to the
sale and
working of
mines.)

- (3) With respect to any mines minerals and quarries to which Her Majesty in right of the duchy is entitled (either in possession or subject to any lease or tenancy) in under or upon any lands required for the purposes of this Act the following provisions (but subject and without prejudice to any lease or tenancy which at the time of any agreement authorised by this section may be subsisting of the same mines minerals or quarries) shall have effect (that is to say) :—

The chancellor and council either before or after the execution of the works authorised by this Act or any part thereof may agree with the Company for the absolute sale of all or any of the said mines minerals and quarries for such price or consideration in money and upon such terms and conditions in all respects as shall be settled between the chancellor and council and the Company and upon payment of such agreed price or consideration as last aforesaid in manner herein-after provided the chancellor and council may grant and assure such last-mentioned mines minerals and quarries unto the Company their successors and assigns for the purposes of this Act The chancellor and council may also enter into any agreement with the Company concerning the working by Her Majesty Her heirs successors and assigns of all or any of the said mines minerals or quarries whether being in under or upon any lands taken by the Company under the powers of this Act :

Provided that nothing contained in this Act shall extend or operate to prevent or hinder Her Majesty Her heirs successors or assigns or Her or their lessees from working (subject and without prejudice only to any such agreement as last aforesaid) as well before as after the execu-

tion of the works authorised by this Act any such mines minerals or quarries whether being in under upon or in the neighbourhood of any lands taken by the Company under the powers of this Act nor shall anything in this Act contained extend or operate to make Her Majesty Her heirs successors or assigns in any way liable for any damage or injury which may be done to or on the works authorised by this Act by any such working unless and except only to such extent as the chancellor and council shall have expressly agreed in writing with the Company that the duchy shall become so liable :

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- (4) With respect to any gross sum of money which under this section shall become payable in consideration of any sale enfranchisement or release thereby authorised the following provisions shall have effect (that is to say) :—

(As to the application of purchase moneys.)

Each such sum shall be paid into the hands of the receiver general of the revenues of the duchy or his deputy or deputies and a receipt shall be given by him or them for the same :

And such sum shall be applicable and dealt with to all intents and purposes as if it were the purchase money of lands sold by the chancellor and council under the authority of the Duchy of Lancaster Lands Act 1855 And the chancellor and council shall for the purposes of this Act have and be entitled to the benefit of all such powers and provisions in reference to moneys invested in bank annuities under this present section as under the Duchy of Lancaster Lands Act 1855 they are entitled to concerning moneys invested in bank annuities under that Act :

- (5) Any lands hereditaments estate right or interest conveyed or assured or released by the chancellor and council by virtue of any of the foregoing provisions of this section shall be so conveyed assured or released in the name of Her Majesty Her heirs or successors in right of the duchy and by deed or writing under the seal of the duchy and every such deed or writing shall be enrolled in the court of the Duchy of Lancaster within six calendar months from the date thereof.

(As to the enrolment of deeds.)

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

Period for completion of railways.

A.D. 1890.

Imposing
penalty un-
less railways
opened.

11. If the Company fail within the period limited by this Act to complete the last-mentioned railways or any or either of them they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted railway or railways other than the Enderby Branch is or are completed and opened for the public conveyance of passengers or until the last-mentioned 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 estimated cost of the uncompleted railway or railways :

The said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the solicitor to the Treasury and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854 :

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided :

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

Application
of penalty
in respect of
new rail-
ways.

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

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid

has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall 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 court thinks fit to order on the application of the solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court 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. A.D. 1890.

13. Subject to the provisions of this Act the Company may in the lines shown upon the deposited plans and so far as the same are shown on the deposited sections in accordance with the levels shown on those sections make the new road and footpaths herein-after described with all proper works and conveniences connected therewith and may exercise the powers herein-after mentioned and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto as may be required for those purposes:—

Power to make new road and footpaths.

A new road in the township of Shipley in the parish of Bradford in the West Riding of the county of York commencing by a junction with the public road known as the Ashley Road at the north-west end thereof and terminating on the south side of the said railway in a field situate at the rear of the houses known as Moor End Houses :

Two footpaths in the parish of Shirland in the county of Derby :

No. 1 commencing by a junction with the existing footpath which crosses the Company's railway from Derby to Leeds on the level twenty-three chains or thereabouts south of the bridge carrying Ogston Lane over the said railway at or near the bridge carrying that footpath over the River Amber and terminating by a junction with the same footpath at or near the eastern end of the said level crossing :

No. 2 commencing by a junction with the existing footpath which crosses the said railway on the level thirty chains or thereabouts south of the said Ogston Lane Bridge at or near the eastern end of the last-mentioned level crossing and terminating by a junction with the new footpath

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No. 1 and the Company may stop up and discontinue and extinguish all rights of way over so much of the said existing footpaths respectively as lie between the commencement and termination of the new footpath No. 1 and between the respective commencements of that footpath and of the new footpath No. 2.

Power to
acquire lands
for general
purposes.

14. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate to the purposes of extending their stations sidings warehouses engine sheds workshops coal wharves depôts mineral goods and other works and conveniences for the accommodation of their traffic and for providing accommodation for persons belonging to the labouring class who may be displaced under the powers of this Act and for other purposes connected with their undertaking all or any of the lands houses and buildings following delineated on the deposited plans thereof and described in the deposited books of reference relating thereto and may in connexion with such use and appropriation execute the works and exercise the powers herein-after mentioned and so far as such works are shown upon the deposited plans and sections in accordance with those plans and sections (that is to say) :—

In the county of Leicester :

Certain lands in the parishes of Saint Mary Leicester and Knighton situate on the east side of and adjoining the Company's railway from Leicester to Bedford and between the Welford Road and the Knighton South Junction :

Certain lands in the parish of Saint Margaret Leicester situate on the south-east side of and adjoining the Company's main line near the Humberstone Road Station and on the west side of and adjoining Portman Street including part of that street :

In the county of Nottingham :

Certain lands in the parish of Basford situate on the south-west side of and adjoining the Company's railway from Mansfield to Nottingham and between that railway and the River Leen and north of the level crossing near the Basford Station :

In the county of Gloucester :

Certain lands in the out-parish of Saint Philip and Saint Jacob in the city and county of Bristol situate on the south-east side of and adjoining Free Tank Street and between and adjoining Avon Street and the Floating Harbour :

In the county of Middlesex :

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Certain lands in the parish of Hendon adjoining and on the west side of the Company's railway from London to Bedford near to the Hendon Station and on the south-east side of and adjoining Burroughs Road :

Certain lands in the parish of Hendon adjoining and on the west side of the Company's railway from London to Bedford and north of and near to Colin Deep Lane :

In the county of London :

Certain lands in the parish of Saint Pancras situate on the south-west side of and adjoining Pancras Road and between Phoenix Street and Platt Street and the Company may make a new street in the same parish commencing by a junction with Phoenix Street at or near the southern end of Middlesex Street and terminating at or near the intersection of Goldington Street by Platt Street and may widen for a distance of eleven yards or thereabouts on the northern side thereof the bridge which carries the Company's Saint Pancras connecting line over the Pancras Road and (if the Company are or if and when under the powers of this Act or of any other Act relating to the Company already passed they become the owners of the lands on both sides thereof) may stop up and discontinue and appropriate to the purposes of their undertaking the sites of the streets or portions of streets following (that is to say) Middlesex Street Hampden Street Brill Street Stanmore Street Aldenham Street and Goldington Street and all other streets and places within the limits of the said lands :

In the West Riding of the county of York :

Certain lands situate in the township of Bramley in the parish of Leeds adjoining and on the south-west side of the Company's railway from Bradford to Leeds and lying between the Kirkstall Forge and Newlay Stations thereon :

Certain lands in the parish of Bingley situate on the west side of and adjoining the Company's railway from Skipton to Leeds and on the north side of Wellington Street and certain other lands in the same parish situate on the east side of the said railway and adjoining the Company's property on the north side of that street.

15. Subject to the provisions of this Act the new roads street and footpaths to be made under the authority of this Act (other than any new road or footpath made or diverted for the purposes of any new railway by this Act authorised and except the stone iron

Provisions
as to repair
of roads &c.

A.D. 1890. — or other structure carrying any new road street or footpath over any railway which structure shall unless otherwise agreed be repaired and maintained by and at the expense of the Company) shall when made and completed be from time to time repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads within the parish in which such roads street and footpaths will be situate are from time to time liable to be repaired or maintained;

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

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

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

Extinguishment of rights of way &c.

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

The Company shall not stop up any existing road street or footpath until they shall have completed to the satisfaction of two justices and opened to the public the road street or footpath if any to be substituted therefor Provided that nothing in this Act shall authorise the stopping up or diversion of any public footpath in the parish of Hendon.

For the protection of the London

18. In constructing and maintaining the works by this Act authorised affecting any of the tramways of the London Street

Tramways Company (hereafter called "the tramway company") the Company shall be subject to the following conditions namely:—

A.D. 1890.
Street Tram-
ways Com-
pany.

- (1) All works affecting any of the said tramways shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the engineer or other officer of the tramway company appointed for that purpose :
- (2) The said works shall be constructed and maintained so that the traffic upon the said tramways or any of them shall not be obstructed :
- (3) If by reason of the construction or maintenance of the works by this Act authorised or of the insufficiency of or the bad state of repair of any such works or of any act or omission of the Company their agents or servants any of the said tramways shall be damaged or injured or in consequence of the acts or omissions aforesaid shall require reconstruction or relaying the Company shall on demand repay to the tramway company all reasonable costs and expenses to which they may be put in repairing the said damage or injury or in such reconstruction or relaying and if from any of the causes aforesaid the free use and working of any of the said tramways shall be materially obstructed the Company shall pay to the tramway company the sum of fifty pounds for every twenty-four hours or portion of twenty-four hours during which such obstruction shall continue after the Company shall have received written notice of such obstruction :
- (4) If any difference shall arise between the Company and the tramway company as to anything to be done or not to be done or any moneys to be paid under the provisions of this section the same shall be referred to and determined by an engineer to be agreed on between the parties or failing agreement to be appointed on the application of either party by the Board of Trade and the award of such engineer shall be final and binding on both parties and the costs of the arbitration shall be in the discretion of such arbitrator.

19. If in the removal and pulling down of any buildings or in raising or lowering the ground of any street or way it shall be necessary to raise sink or otherwise alter the position relatively to the surface of the ground of any main or service pipe or other apparatus laid down or used by the Gas Light and Coke Company or connected with any house or building for the supply of gas one month's notice shall be given to the said company previously to the commencement of any such work which shall be executed to the reasonable satisfaction of the engineer of the said company or in

For the pro-
tection of
the Gas
Light and
Coke Com-
pany.

A.D. 1890. case of difference of an engineer to be selected by the Board of Trade and every such work shall be so executed as to cause as little inconvenience as circumstances will admit to the said company and the Company shall make compensation to the said company for all loss or damage if any which may be occasioned by the execution of the said works..

For the protection of the New River Company.

20. Before the Company under the provisions of this Act stop up, discontinue or appropriate to the purposes of their undertaking any of the streets or places in the parish of Saint Pancras in which any main or pipe of the New River Company shall be laid they shall give to the New River Company twenty-eight days previous notice in writing of their intention so to do and shall to the satisfaction of the engineer for the time being of the New River Company take up and deliver to that Company all the mains pipes and water apparatus belonging to that Company which shall be laid in any such street or place.

For the protection of the London County Council.

21. With reference to the powers to be exercised and the works to be made under this Act in the county of London the following provisions shall have effect:—

(1) In and for the purposes of this section “the council” means the London County Council:

(2) The Company shall so construct the widening by this Act authorised of the bridge carrying their Saint Pancras connecting line over the Pancras Road as to leave a clear headway throughout above the existing surface of the street not less than eighteen feet and a clear span throughout not less than sixty feet on the square and the bridge and works constructed for that purpose shall be of a reasonably ornamental character and design and shall be made and maintained so as to prevent as far as is reasonably practicable the dripping of water therefrom on any part of the street road or footway or on any area or forecourt and to deaden so far as is reasonably practicable the sound of engines carriages and traffic passing over the said road and the parapets of the bridge and works shall be carried up to at least the same height as the present adjoining bridge of the Company:

(3) The Company shall not execute or commence the erection of any such bridge or works as aforesaid until they shall have given to the council twenty-one days notice in writing of their intention to commence the same by leaving such notice at the office of the council with plans elevations sections and other necessary particulars of the construction of the said bridge and works and until the council shall have signified their approval.

of the same unless the council fail to signify such approval or their disapproval or other directions within twenty-one days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid and the Company shall comply with and conform to all reasonable directions and regulations of the council in the execution and subsequent maintenance of every such bridge and the works connected therewith and shall save harmless the council against all and every expense to be occasioned thereby and all such works shall be done to the reasonable satisfaction of the engineer or other officer of the council at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the council may be put to by reason of the works of the Company whether in the execution of the works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the Company on demand: A.D. 1890.

(4) As regards all sewers belonging to the council situate in any of the streets or lands to be stopped up and appropriated under the powers of this Act the Company shall at the option of the council either—

(A) Leave the said sewers or any of them undisturbed providing suitable means (to be approved by the council) for relieving the sewers from any weight of buildings if erected over the same also providing proper means of access and reserving for the said council full rights of access thereto; or

(B) Divert the said sewers so far as they are situate within the said streets and lands substituting at their own expense new sewers therefor of increased length if necessary together with all necessary works in connexion therewith the whole to be executed to the satisfaction of the council:

(5) Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer or work under the jurisdiction or control of the council or shall or may in any way affect the sewerage or drainage of the districts under their control the Company shall not commence such works until they shall have given to the council twenty-one days previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the council with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until the

A.D.1890.

council shall have signified their approval of the same unless the council do not signify their approval disapproval or other directions within twenty-one days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the council in the execution of the said works and shall provide by new altered or substituted works in such manner as the council shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the council against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer of the council at the costs charges and expenses in all respects of the Company and all costs charges and expenses which the council may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the council by the Company on demand and when any new altered or substituted works as aforesaid shall be completed by or at the costs charges or expenses of the Company under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the council as the sewers for which they are substituted.

For protection of the vestry of Saint Pancras.

22. For the protection of the vestry of the parish of Saint Pancras (in this section called "the vestry") the following provisions shall have effect (that is to say):—

(1) In and for the purposes of this section "the parish" means the parish of Saint Pancras in the county of London:

"Sewer" includes a drain and a culvert for the carrying off of surface water:

"The surveyor" means the chief surveyor for the time being of the vestry:

(2) The Company shall erect along the west side of Pancras Road a row of shops or coal offices for the whole length of the land acquired by the Company under the powers of this Act except so much as may be necessary for a gateway entrance into the new coal depôt so as to screen off from the said road the coal tips intended to be constructed by the Company on the said land:

(3) The new street to be made by the Company between Goldington Street and Phoenix Street shall be constructed with proper sewers and footways to the satisfaction in all respects of the vestry and of uniform width throughout its whole length of fifty feet: A.D. 1890.

(4) The Company shall not erect any coal drops bays or wharves so as to open upon or front directly to the new street to be constructed under the powers of this Act:

(5) The Company shall so construct the widening by this Act authorised of the bridge carrying their Saint Pancras connecting line over the Pancras Road as to leave between the existing bridge and the widened portion thereof a clear space open from the surface of the ground upwards to the sky of not less than an average width of ten feet throughout so as to admit light and air to the road:

(6) The Company shall contribute the sum of six thousand pounds towards the rebuilding by the vestry of the bridge over the Regent's Canal known as the King's Road Bridge such sum to be paid to the vestry before the closing of the streets as authorised by this Act and such sum shall be applied by the vestry towards the rebuilding of the said bridge with reasonable expedition:

(7) Any road with which the Company interfere or under which they execute any works shall be reinstated to the reasonable satisfaction and under the superintendence of the surveyor and with such materials as the vestry shall prescribe:

(8) Whenever in the construction of any of the works by this Act authorised or by reason of the execution of any of the powers of this Act it may at any time be necessary to divert alter or interfere with any sewers under the control and management of the vestry every such diversion alteration or interference and all works connected therewith or ancillary thereto shall be executed by the Company according to such plan and in such manner as may from time to time be reasonably prescribed or approved by the vestry and to the reasonable satisfaction of the surveyor:

(9) Before the Company execute any work or do anything whereby the flow of sewage in any sewer may be interrupted or interfered with they shall provide to the reasonable satisfaction of the surveyor a substituted sewer and connect the same with some other sewer of the vestry:

(10) If by reason of the execution of any of the powers of this Act any increased length of sewers shall become necessary the

A.D. 1890.

same shall be provided and laid down by or at the expense of the Company according to such plan and in such manner as may be reasonably approved by the vestry:

- (11) All the carriageway footway and other paving gully gratings street posts lamp columns and other materials and appliances in or upon any of the streets courts alleys or passages in the parish which the Company may stop up under the powers of this Act shall remain the property of and belong to and be handed over without charge to the vestry at their nearest convenient depôt:
- (12) Nothing in this Act contained shall interfere with the powers of the vestry from time to time as they think fit to construct sewers or to repair or inspect any sewer or to make connexions and communications therewith:
- (13) The Company shall from time to time pay to the vestry all rates leviable by or payable to them upon the respective assessments of any lands or property shown upon the deposited plans or a proportion of such rates respectively from the time such lands or property respectively shall be acquired by the Company until the Company's works are completed and liable to be assessed to such rates and the amount of such rates payable by the Company shall be computed according to the assessments of such lands or property in the rate made in the month of April one thousand eight hundred and ninety notwithstanding that the buildings thereon or forming part thereof may have been taken down:
- (14) If any difference arise between the Company and the vestry in relation to this section such difference shall be from time to time determined by arbitration in the manner (unless otherwise agreed on) provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

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

23. And whereas in the construction of the railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain lands buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Company and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore the owners of and persons interested in the lands buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of the Company may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed

from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise :

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

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

Period for compulsory purchase of lands by the Company.

A.D. 1890.

Power to
Company
and Great
Northern
Company to
make new
railways &c.

25. Subject to the provisions of this Act the Company and the Great Northern Company or either of them with the consent of the other may make and maintain in the lines and according to the levels shown on the deposited plans and sections thereof respectively the railways and the alteration of the levels of a portion of their existing railway and the works 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 respectively as may be required for that purpose and may exercise the powers herein-after mentioned :

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

Two railways (to be called the Spalding Junctions) and an alteration of the levels of a portion of railway and a new road situate wholly in the parish of Spalding in the parts of Holland in the county of Lincoln :

Railway No. 1 seven furlongs one chain and seventy links in length commencing by a junction with the Spalding and Bourn Joint Line of the Midland and Great Northern Railway Companies and terminating by a junction with the Spalding and Lynn Joint Line of the said companies :

Railway No. 2 three furlongs and forty links in length commencing by a junction with the said Railway No. 1 and terminating by a junction with the loop line of the Great Northern Company :

An alteration of the levels of so much of the said Spalding and Lynn Joint Line as extends for a distance of twenty-six chains or thereabouts measured in a north-westerly direction from the western end of the bridge carrying the said line over the River Welland And the Company or companies exercising the powers of this section may carry the said joint line as altered across the road numbered on the deposited plans 26 in the parish of Spalding on the level :

A new road commencing by a junction with the public road known as Saint Thomas's Road at a point thereon three chains or thereabouts measured along that road in a northerly directing from the level crossing thereof by the Spalding and Lynn Joint Line and terminating by a junction with the same road at a point thereon three chains or thereabouts measured in a southerly direction from the same level crossing :

A railway (to be called the Witham Deviation) two miles four furlongs one chain and fifty links in length situate wholly in the parts of Kesteven in the county of Lincoln commencing in the parish of Careby by a junction with the Cottesmore and Bourn Deviation No. 1 authorised by the Midland Railway Act 1889 and terminating in the township of Toft and Lound in the parish of Witham (otherwise Wytham-on-the-Hill) by a junction with the Railway No. 1 authorised by the Eastern and Midlands Railway (Extensions) Act 1888. A.D. 1890.

26. Subject to the provisions of the Railway and Canal Traffic Act 1888 the railways by this Act authorised to be made by the Company and the Great Northern Company shall for the purposes of tolls and charges and for all other purposes whatsoever be part of the joint undertaking of those companies as if the same had been part of the Eastern and Midlands Railway vested in those companies by the Midland Railway Act 1889 and shall be worked and managed by the joint committee of those two companies constituted under the Midland and Eastern and Norwich and Spalding Railways Act 1867. Tolls.

27. If the railways by this Act authorised to be made by the Company and the Great Northern Company are not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to those companies for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of Spalding Junctions and Witham Deviation.

28. If the Company and the Great Northern Company fail within the period limited by this Act to complete the last-mentioned railways or any or either of them they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the uncompleted railway or railways is or are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted railway or railways: Imposing penalty unless Spalding Junctions and Witham Deviation opened.

The said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the solicitor to the Treasury and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854:

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

[Ch. cxxxviii.] *Midland Railway (Additional Powers) Act, 1890.* [53 & 54 VICT.]

A.D. 1890. — as is specified in that section to an account opened or to be opened in the name of the Paymaster General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter 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 and the Great Northern Company were prevented from completing or opening the uncompleted railway or railways by unforeseen accident or circumstances beyond their control. Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty
in respect
of new rail-
ways.

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

If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall 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 court thinks fit to order on the application of the solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company or the Great Northern 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 such company or be otherwise applied as part of the assets of such company for the benefit of the creditors thereof.

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

Period for compulsory purchase of lands by Company and Great Northern Company.

31. In carrying the Spalding Junctions by this Act authorised (herein-after in this section referred to as "the railways") over the March and Spalding line of railway of the Great Northern Railway Company and the Great Eastern Railway Company (in this section called "the joint companies") the following provisions for the protection of the joint companies shall unless otherwise agreed in writing between the joint companies and the Company (which expression shall in this section include the Midland Railway Company and the Great Northern Railway Company or whichever of those companies shall exercise the powers of this Act for the construction of the Spalding Junctions) apply and be obligatory upon the Company :—

For the protection of the Great Northern and Great Eastern Railway Companies.

(1) The Company shall construct the bridge and other works by which the railways shall be carried over the March and Spalding line of the joint companies of one clear span or opening of not less than fifty feet measured on the square with the abutments and with a clear headway throughout of not less than fourteen feet above the upper surface of the rails upon the said March and Spalding line :

(2) All works crossing or affecting the lands railway or other property of the joint companies shall be executed at the expense of the Company under the superintendence and to the reasonable satisfaction of the principal engineer of the joint companies and according to the plans and specifications to be previously submitted to such engineer and reasonably approved by him in writing. Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof :

(3) The works shall be constructed and maintained so that the traffic upon the railway of the joint companies shall not be in anywise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the principal engineer of the joint companies :

(4) If by reason of the construction or maintenance of the works or any of them or the failure of any of the works or of the maintenance thereof or otherwise the railway of the joint

A.D. 1890.

companies or the works connected therewith shall be injured or the traffic thereon impeded the Company shall compensate the joint companies for all costs to which they may be put in repairing the said damage and for all loss or injury to which they may be subjected by interference with their traffic :

- (5) The Company shall also indemnify the joint companies for any damages or compensation which may be recovered against them by reason of the interruption of the traffic on the said joint railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Company or any of their contractors or their respective servants and workmen :
- (6) During the construction of the railways and works by this Act authorised across or affecting the joint companies and also during the time of execution of any works necessary for maintaining the railways and works the Company shall bear and on demand pay to the joint companies all expense of employment by them of a reasonably sufficient number of inspectors signalmen and watchmen to be appointed by the principal engineer to the joint companies for watching their railway and the works thereof with reference to and during the execution of the intended works and for preventing so far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise :
- (7) The Company shall at all times maintain the bridge or other works by which their railways are carried across the railway of the joint companies in substantial repair and good order and condition to the reasonable satisfaction in all respects of the principal engineer of the joint companies And if and whenever the Company fail so to do the joint companies may make and do in and upon as well the lands of the Company as their own lands all such works and things as they may reasonably think requisite in that behalf and the sum from time to time certified by their principal engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by the joint companies from the Company in any court of competent jurisdiction :
- (8) The Company shall not without obtaining the consent of the joint companies in writing under the common seal of the

committee of the joint companies take use enter upon or interfere with any of the lands railways works or property from time to time belonging to or in the possession or under the power of the joint companies respectively except only such part or parts of their said lands as it shall be absolutely necessary for the Company to enter upon and interfere with for the purpose of constructing and maintaining the bridge and other works by which the railways under the provisions of this Act are to be carried across the railway of the joint companies and with respect to such part or parts of the said lands as aforesaid the Company shall not purchase or take the same but the Company may purchase and take and the joint companies may and shall sell and grant an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same :

A.D. 1890.

(9) If any difference shall arise between the Company and the joint companies as to the matters aforesaid the same shall be determined by arbitration in manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration :

(10) The amounts to be paid for the acquisition of such easement shall be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement.

32. 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 and the Great Northern Company or either of them as the case may be any easement right or privilege (not being an easement of water) required for the purposes of this Act in over or affecting lands and the provisions of the said Acts with respect to lands and 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.

Power to grant easements &c. by agreement.

33.—(1) None of the companies who are by this Act authorised to acquire lands by compulsion or agreement shall under the powers of this Act purchase or acquire in any parish within the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses or beyond the metropolis in any city borough or urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth

Restrictions on displacing persons of labouring class.

A.D. 1890. — day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

(B) They shall have given security to the satisfaction of the said Secretary of State or the Local Government Board (as the case may be) for the carrying out of the scheme.

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

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

Provided that the said Secretary of State or the Local Government Board (as the case may be) may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

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

(5) If any of the said companies acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State or the Local Government Board (as the case may be) by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom : A.D. 1890.

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

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

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

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

Provided also that the said Secretary of State or the Local Government Board (as the case may be) may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

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(8) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolitan Management Act 1855 and any Act or Acts amending those respective Acts.

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

(10) The said Secretary of State may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and may appoint inspectors for the purposes of any such inquiry and the inspectors so appointed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

(11) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(12) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

(14) Any houses occupied by persons of the labouring class situate in the metropolis shown on the deposited plans and acquired by or on behalf of the Company within three years before the

passing of this Act and for which no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State for the Home Department under the powers of any previous Act of the Company shall for the purpose of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the said Secretary of State is unable to satisfy himself as to the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Secretary of State they might have been sufficient to accommodate. A.D. 1890.

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

34. The Company shall abandon the construction of so much of the Blackwell Branch Extension authorised by the Midland Railway Act 1889 as extends from a point marked on the plans deposited for the purposes of that Act with the clerk of the peace for the county of Nottingham one mile from the commencement of the railway to the termination of the railway. Company to abandon portion of authorised railway.

35. The Company and the Great Northern Company shall abandon the construction of so much of the Cottesmore and Bourn Deviation Railway No. 1 authorised by the Midland Railway Act 1889 and of the Railway No. 1 authorised by the Eastern and Midlands Railway (Extensions) Act 1888 as will be rendered unnecessary by the construction of the Witham Deviation by this Act authorised. Company and the Great Northern Company to abandon portions of authorised railways.

36. The abandonment by the Company or by the Company and the Great Northern Company (as the case may be) under the authority of this Act of the said portions of railways shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the said Company or companies on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land Compensation for damage to land by entry &c. for purposes of portions of railways abandoned.

A.D. 1890. which may have been temporarily occupied by the said Company or companies to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Midland Railway Act 1889 or the Eastern and Midlands Railway (Extensions) Act 1888.

Compensation for non-completion of contracts in respect of portions of railways abandoned.

37. Where before the passing of this Act any contract has been entered into or notice given by the said Company or companies for the purchasing of any land for the purposes of or in relation to the portions of railways by this Act authorised to be abandoned the said Company or companies (as the case may be) shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the said Company or companies (as the case may be) to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to such contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extending time for sale of certain superfluous lands.

38. The Company may notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated retain and hold any lands belonging to them which have not yet been applied to the purposes of the Company or sold or disposed of by them in the parishes enumerated in the Second Schedule to this Act for the periods following (that is to say) as regards such of the said lands as are situate near to or adjoining any railway or station of the Company or as the Company may be of opinion that they may require for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of two years from the passing of this Act :

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

39. The vesting of the undertaking of the Bristol Company in the Company and the Great Western Company (herein-after referred to as "the two companies") jointly shall be effected upon the terms and conditions and in the manner and subject to the provisions following (that is to say) :—

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Terms of vesting in Company and Great Western Railway Company of undertaking of Bristol Company.

Within one month after the passing of this Act the two companies shall make the following payments (that is to say) :—

- (1) They shall pay to each holder of debentures of the Bristol Company in full discharge of all claims of such holder in respect of the debenture or debentures held by him and of interest thereon a sum equivalent to the nominal amount of such debenture or debentures with the addition of a further sum in respect of arrears of interest thereon equivalent to fifteen pounds per centum on the nominal amount of such debenture or debentures less any sum which subsequently to the thirty-first day of December one thousand eight hundred and eighty-nine may have been paid on account of such arrears :
- (2) They shall pay to Messieurs Waring Brothers the sum of five thousand pounds which shall be accepted by them in full discharge of all claims under their judgment against the Bristol Company :

Within fourteen days after the appointment of the liquidator or liquidators to be appointed for the purpose of the winding up of the Bristol Company in the manner herein-after provided the two companies shall pay the said liquidator or liquidators such sum as with the aggregate amount of the payments herein-before provided for will amount to the sum of ninety-seven thousand five hundred pounds which shall be applied by him or them in manner following (that is to say) :—

- (3) In discharge of the capital and other liabilities of the Bristol Company not provided for under the foregoing provisions of this section according to their respective priorities (if any) and subject thereto :
- (4) The surplus if any shall be divided amongst the shareholders of the Bristol Company pro rata according to the total amount paid up on the shares held by them respectively.

40. Upon the payment by the two companies of the said sum of ninety-seven thousand five hundred pounds in the manner herein-before provided the undertaking of the Bristol Company and all the rights powers and authorities of the Bristol Company and the several railways and branches stations sidings approaches buildings fixed

Vesting in two companies of undertaking of Bristol Company.

A.D. 1890. — plant warehouses and all other works whether complete or incomplete and all the lands and other the property estate stocks books papers documents and assets of that company other than locomotive engines and rolling stock and moneys in the possession of or owing to the Bristol Company or the receiver or manager thereof shall be and are hereby absolutely vested in the two companies freed and discharged from all liabilities debts contracts and obligations respectively affecting the same other than rentcharges for land forming the site of the railway and works and the annual charge under section twenty-seven of the Midland Railway (Additional Powers) Act 1884 all which charges shall thereafter be borne by the two companies Provided that within three months from the vesting in the two companies of the undertaking of the Bristol Company the two companies shall produce to the Commissioners of Inland Revenue a deed of conveyance in which the purchase or consideration money shall be fully and truly set forth and such deed shall be duly stamped with the full and proper ad valorem stamp duty in respect of the consideration and if the two companies shall not within three months from the vesting so produce such deed of conveyance duly stamped as aforesaid the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting to the day of payment of such duty shall be recoverable from the two companies by the said Commissioners with full costs of suit and all costs and charges attending the same :

The Bristol Company shall upon the passing of this Act be wound up and such winding up shall be effected in the same manner and with the same incidents as if the Bristol Company were a company registered under the Companies Acts 1862 to 1880 and the Bristol Company shall from and after the passing of this Act be deemed to be so registered accordingly and for the purposes of calling and holding meetings and passing resolutions and other matters incident to such winding up the provisions contained in the Bristol Company's Acts of Parliament and the Acts incorporated therewith may and shall take effect as resolutions of a company duly registered and the receiver and manager shall account to that company for any balance due from him on the day of vesting and thereupon shall be entitled to his discharge :

Provided always that on the vesting of the undertaking of the Bristol Company all the unexercised powers of that company of raising capital shall be and the same are hereby extinguished :

All the provisions of the Bristol Port Railway and Pier Act 1862 and of any other Act or Acts relating to the Bristol Company except those relating to the share and loan capital of the Bristol Company

shall (so far as applicable and subject to the provisions of this Act) have effect as if the two companies had been named throughout the same instead of the Bristol Company and the undertaking of the Bristol Company shall subject as aforesaid be executed maintained worked and managed by the joint committee of the two companies constituted under the Great Western and Midland Railway Companies (Clifton and Bristol) Act 1871 as if it formed part of the Clifton Extension Railway in that Act mentioned : A.D. 1890

The two companies shall be entitled to demand and take in respect of the undertaking of the Bristol Company the tolls rates or charges prescribed by the Bristol Port Railway and Pier Act 1862 subject to revision under the provisions of the Railway and Canal Traffic Act 1888.

41. The sums payable by the two companies in respect of the vesting in them of the undertaking of the Bristol Company shall be provided by the two companies in equal proportions and the two companies shall from and after the vesting in them of the undertaking of the Bristol Company have equal rights each with the other in all respects as to working over and using and may work over and use the said undertaking as if it formed an integral part of their respective systems of railway and no preference priority or other advantage shall be given to or taken by either of the two companies over or to the exclusion or disadvantage of the other of them. The two companies to have equal rights in respect of transferred undertaking.

42. The Company on the one hand and the North-western Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into and carry into effect contracts agreements and arrangements for or with respect to the joint ownership or construction and to the working use management or maintenance of the Enderby Branch by this Act authorised or any part or parts thereof the payments to be made and the conditions to be performed with respect to such ownership construction working use management and maintenance the interchange accommodation conveyance and delivery of the traffic coming from or destined for the respective undertakings of the said two companies or either of them the levying fixing division and appropriation of the tolls rates charges receipts and revenues levied taken or arising from that traffic and the appointment of joint committees for the purposes aforesaid or any of them. Power to Company and North-western Company to make agreements as to Enderby Branch.

43. The agreement dated the thirteenth day of March one thousand eight hundred and ninety made between the Reverend John Marjoribanks Nisbet of the first part the Right Honourable Confirming scheduled agreement as to lands

A.D. 1890. and Right Reverend Frederick Lord Bishop of London of the
 at Saint second part the Ecclesiastical Commissioners of the third part and
 Pancras. the Company of the fourth part as set forth in the Third Schedule
 to this Act is hereby sanctioned and confirmed and may and shall
 be carried into effect by the parties thereto accordingly Provided
 always that the deed of conveyance contemplated by the said sche-
 duled agreement shall be produced by the Company duly stamped
 within three months after the execution thereof to the Commissioners
 of Inland Revenue and in default of production the ad valorem
 stamp duty with interest at the rate of five pounds per centum per
 annum from the execution of the conveyance to the date of payment
 shall be recoverable from the Company together with full costs of
 suit and all costs and charges attending the same.

Power to
 Company
 to raise
 additional
 money by
 creation
 of shares or
 stock.

44. The Company may subject to the provisions of Part II. of
 the Companies Clauses Act 1863 from time to time raise by the
 creation and issue of new shares or stock such sums of money as
 they shall think necessary not exceeding one million five hundred
 thousand pounds exclusive of the other moneys which they are or
 may be by this or any other Act or Acts of Parliament authorised
 to raise And the Company may create and issue such shares or
 stock either wholly or partially as ordinary or wholly or partially
 as preferential shares or stock as they may think fit.

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

45. 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.

Votes in
 respect of
 new shares
 or stock.

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

Shares or
 stock of
 same class
 to have
 like pri-
 vileges.

47. 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.

Vesting of
 new shares
 or stock.

48. 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.

A.D. 1890.

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

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

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

Qualifications of new shares or stock.

51. Except as by this Act otherwise expressly provided 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.

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

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

53. The Company may in respect of the additional capital of one million five hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of

Power to borrow.

A.D. 1890. their undertaking any sum not exceeding in the whole five hundred 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 so far as the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same :

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

Provisions
with respect
to appoint-
ment of a
receiver.

54. 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 :

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.

55. 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 hereof 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.

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Existing mortgages to have priority.

56. 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. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Company may create debenture stock.

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

Application of moneys.

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

Company may apply corporate funds.

59. The Great Northern Company the North-western Company and the Great Western Company respectively may from time to time apply to the purposes of this Act in which they are interested and to which capital is properly applicable any of the moneys which they are respectively already authorised to raise and which may not be required for the purposes for which the same were authorised to be raised.

Power to Great Northern North-western and Great Western Companies to apply funds to purposes of Act.

60. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him. But nothing in this Act

Interest not to be paid on calls paid up.

[Ch. cxxxviii.] *Midland Railway (Additional Powers) Act, 1890.* [53 & 54 VICT.]

A.D. 1890. — shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

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

Provision as to general Railway Acts.

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

Costs of Act.

63. 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. 1890.

FIRST SCHEDULE.

Describing Lands Buildings and Manufactories whereof portions
only are required to be taken by the Company.

Object for which Lands are required.	Township and Parish.	Number on deposited Plans.
Chapeltown Branch -	Township of Ecclesfield parish of Ecclesfield York (West Riding).	21 22 165
Kirkby Curve - -	Township of Kirkby-in-Ashfield parish of Kirkby-in-Ashfield county of Nottingham.	8
Sutton-in-Ashfield Branch -	Township of Sutton-in-Ashfield parish of Sutton-in-Ashfield county of Nottingham.	18 71 72
Enderby Branch -	Township of Enderby parish of Enderby county of Leicester.	5 6 8 9 10 11 12 15 16
Irchester and Raunds Branch	Parish of Rushden county of Northampton.	24B
	Parish of Chelveston - cum - Caldecot.	3
	Parish of Raunds - -	54
Additional lands at Bingley	Township of Bingley otherwise Bingley with Micklethwaite and Harden parish of Bingley York (West Riding).	1-4
Additional lands at Saint Mary Leicester and Knighton.	Parish of Knighton county of Leicester.	1

A.D. 1890.

SECOND SCHEDULE.

SUPERFLUOUS LANDS.

SAINT PANCRAS CONNECTING LINE.

Parish.	County.
Saint Pancras	Middlesex. (now London).

BRIXTON STATION BRANCH.

Saint Mary Lambeth	Surrey. (now London).
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TIBSHELF AND BLACKWELL BRANCH.

Tibshelf	Derby.
Blackwell	Derby.
Sutton-in-Ashfield	Nottingham.
South Normanton	Derby.

BUCKLAND HOLLOW BRANCH.

Duffield	Derby.
Pentrich	Derby.

ASHWELL BRANCH.

Ashwell	Rutland.
Teigh	Rutland.
Cottesmore	Rutland.

APPLEBY SOUTH JUNCTION.

Saint Michael Appleby otherwise Bongate	Westmorland.
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HAWES BRANCH DEVIATIONS No. 1 AND No. 2.

Aysgarth	York (West Riding).
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NOTTINGHAM AND SAXBY LINE.

Saint Mary	Nottingham.
Sneinton	Nottingham.
West Bridgeford	Nottingham.
Edwalton	Nottingham.
Plumtree	Nottingham.
Stanton-on-the-Wolds	Nottingham.
Widmerpool	Nottingham.
Hickling	Nottingham.
Upper Broughton	Nottingham.

NOTTINGHAM AND SAXBY DEVIATION.					A.D. 1890.
Parish.				County.	
Upper Broughton	-	-	-	Nottingham.	
Old Dalby	-	-	-	Leicester.	
Grimstone	-	-	-	Leicester.	
Saxelby	-	-	-	Leicester.	
Asfordby	-	-	-	Leicester.	
Melton Mowbray	-	-	-	Leicester.	
DOE LEA EXTENSION.					
Scarccliffe	-	-	-	Derby.	
Ault Hucknall	-	-	-	Derby.	
Bolsover	-	-	-	Derby.	
HEANOR BRANCH EXTENSION.					
Pentrich	-	-	-	Derby.	
Heanor	-	-	-	Derby.	
BENNERLEY AND BULWELL DEVIATION.					
Bulwell	-	-	-	Nottingham.	
Basford	-	-	-	Nottingham.	

THIRD SCHEDULE.

AN AGREEMENT made the thirteenth day of March one thousand eight hundred and ninety between the Reverend JOHN MARJORIBANKS NISBET of 16 Bedford Square in the county of Middlesex rector of the parish church of Saint Giles-in-the-Fields in the same county of the first part the Right Honourable and Right Reverend FREDERICK LORD BISHOP of LONDON of the second part the ECCLESIASTICAL COMMISSIONERS FOR ENGLAND (herein-after called "the Commissioners") of the third part and the MIDLAND RAILWAY COMPANY (herein-after called "the Company") of the fourth part.

1. The said John Marjoribanks Nisbet with the consent of the said Bishop of London as patron of the living and bishop of the diocese and with the consent of the Commissioners testified by their execution of this Agreement agrees to sell and the Company agrees to purchase for the sum of eleven thousand five hundred pounds the inheritance in fee simple free from incum-

A.D. 1890. — brances of (1) All those lands buildings and hereditaments delineated on the plan hereto annexed and thereon distinguished by the colour red and particularly described in the schedule hereto but subject to the existing tenancies (2) The freehold and inheritance subject to the provisions of the Saint Pancras and Saint Giles-in-the-Fields Disused Burial Grounds Act 1875 of the land forming the site of the disused burial ground of the parish of Saint Giles-in-the-Fields and coloured blue on the said plan.

2. The Company shall pay the said purchase money of eleven thousand five hundred pounds immediately on the completion of this Agreement to the Commissioners to be by them upon the sanction of Parliament to this Agreement being obtained as herein-after mentioned applied in manner herein-after mentioned and upon payment by the Company in manner aforesaid of such purchase money they shall be entitled to possession of the premises and receipt of the rents and profits but subject and without prejudice to any right privilege or easement which any person now has or his heirs or personal representatives may hereafter have in respect of any vault grave tomb or tombstone or the maintenance thereof or the access thereto respectively.

3. The Company shall also immediately upon the completion of this Agreement pay to the said John Marjoribanks Nisbet interest on the said purchase money of eleven thousand five hundred pounds at the rate of four per cent. per annum as from the twenty-fourth day of June one thousand eight hundred and eighty-nine.

4. The Commissioners shall on receipt of the said sum of eleven thousand five hundred pounds forthwith invest the same in consolidated bank annuities and shall hold such investment pending the obtaining of the sanction of Parliament to this Agreement upon trust to apply the dividends and income thereof in the first place in keeping down the interest on the mortgage to which the said premises are subject and subject thereto as income of the rectory of the parish of Saint Giles-in-the-Fields.

5. Subject to and upon the sanction of Parliament to this Agreement being obtained as herein-after mentioned the premises being conveyed as herein-after provided the sum of consolidated bank annuities in which the said purchase money of eleven thousand five hundred pounds shall have been invested shall be applied as follows (that is to say) :—

The sum of eight hundred pounds being the balance due on the eighteenth day of May one thousand eight hundred and eighty-nine of the principal moneys borrowed on mortgage by the rector by virtue of the power contained in the Saint Giles-in-the-Fields Glebe Act 1862 shall be raised thereout and paid to Alexander Brown or other the mortgagee :

The sum of three hundred pounds shall be raised thereout and paid to the said John Marjoribanks Nisbet to defray the costs charges and expenses incurred by him as provided by section 8 of the Guardians of the Poor of the Parish of Saint Pancras Act 1882 and the remainder of the said sum of consolidated bank annuities shall be retained by the Commissioners and shall be held by them for the benefit of the said rector and his successors in the rectory of Saint Giles-in-the-Fields and be dealt with

according to the directions contained in the second section of the Ecclesiastical Leasing Act 1858 in reference to the application and disposal of the moneys referred to in that enactment. A.D. 1890.

6. The said premises formed part of certain lands which were purchased under an Act of the 43rd year of George III. entitled "An Act to provide a new Burial Ground and erect a Chapel thereon for the parish of Saint Giles-in-the-Fields in the county of Middlesex" and by the Saint Giles-in-the-Fields Glebe Act 1862 were annexed to and became glebe of the parish of Saint Giles-in-the-Fields and the title to the same shall commence with the said Act of 1862 and no earlier title shall be required.

7. The property is believed to be and is to be taken as correctly described and any incorrect statement error or omission is not to annul this Agreement nor entitle the Company to be discharged from their purchase nor are they entitled to claim or be allowed any compensation in respect thereof.

8. The Company shall obtain the sanction of Parliament to this Agreement in the present session if possible but if not in the next ensuing session thereafter subject to such alterations as Parliament may think fit to make therein and the parties hereto of the first three parts or their respective successors shall thereupon with the concurrence and by the direction of the Company execute a proper conveyance to the vestry of the parish of Saint Pancras of the premises subject and without prejudice to such rights privileges and easements as are mentioned in Article 2 and to the intent that the premises shall at all times thereafter be held and applied by the said vestry as an open space subject to the provisions of section 7 of the Saint Pancras and Saint Giles-in-the-Fields Disused Burial Grounds Act 1875.

9. If from any cause whatever the sanction of Parliament to this Agreement be not obtained before the thirty-first day of August one thousand eight hundred and ninety-one this Agreement shall be wholly void and the Company shall forthwith after that day quit possession of the premises and deliver up the same in the same state and condition as they now are and shall account to the said John Marjoribanks Nisbet or other the rector of the said parish for all rents and profits which shall have been received by them in respect thereof and shall pay all the costs charges and expenses of the said John Marjoribanks Nisbet the Commissioners and the Bishop of London and thereupon the Commissioners shall transfer to the Company the sum of consolidated bank annuities in which the said purchase money shall have been invested as herein-before provided but without any dividends interest or other compensation whatsoever and the said John Marjoribanks Nisbet or other the rector shall be entitled to retain all interest and dividends received by them in virtue of this Agreement as liquidated damages.

10. The Company shall keep the said John Marjoribanks Nisbet and also the Commissioners fully indemnified against all claims and demands by or on the part of the guardians of the poor of the parish of Saint Pancras in the county of Middlesex to or in respect of the premises hereby agreed to be sold

[Ch. cxxxviii.] *Midland Railway (Additional Powers) Act, 1890.* [53 & 54 VICT.]

A.D. 1890. — or any part thereof either under the provisions of the Guardians of the Poor of the Parish of Saint Pancras Act 1882 or otherwise howsoever.

As witness the hands of the parties hereto of the first and second parts and the respective common seals of the Commissioners and Company the day and year first above written.

Witness to the signature of John Marjoribanks Nisbet
THOS. WM. CARR
28 Lincoln's Inn Fields
Clerk to Frere & Co. Solicitors. } J. M. NISBET.

Witness to the signature of the Lord Bishop of London F. LONDIN.

WILFRID OGLE Clerk in Holy Orders
Fulham Palace London S.W.

L.S.

Sealed by the Ecclesiastical Commissioners for England in
the presence of

CHAS. JOSEPH ELLIS
10 Whitehall Place Westminster Gentleman

Seal of the
Ecclesiastical
Commissioners
for England.

The common seal of the Midland Railway Company was
hereunto affixed in the presence of

JAMES J. ALLPORT
Director of the Midland Railway Company Duffield Derby.

Seal of
the Midland
Company.

THE SCHEDULE HEREIN-BEFORE REFERRED TO.

Certain lands in the detached part of the parish of Saint Giles-in-the-Fields comprising the lands houses buildings and hereditaments numbered in Pancras Road with even numbers from 90 to 96 both inclusive also the cottages buildings and hereditaments at the back of the said No. 90 and known as Eves Place Also the disused chapel in Pancras Road and the site thereof and the approach to the public enclosure as shown and coloured red on the plan hereto annexed.

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FOR

T. DIGBY PIGOTT, Esq., the Queen's Printer of Acts of Parliament.

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