CHAPTER clvii.

An Act to authorise the Great Northern and London and North-western Railway Companies to construct Railways between Market Harborough and Nottingham; to vest in the two Companies certain authorised Railways in Nottinghamshire and Leicestershire; to provide for the use by each of the two Companies of portions of their respective Undertakings; and for other purposes. [30th July 1874.] A.D. 1874.

WHEREAS by the "Great Northern Railway (Newark and Melton) Act, 1872," (in this Act called "the Act of 1872,") the Great Northern Railway Company were authorised to construct railways between their main line of railway at Newark and Melton Mowbray, and the undertaking so authorised is herein-after referred to as the "Newark and Melton line:" 35 & 36 Vict. c. clxvii.

And whereas by the "Great Northern Railway (Melton to Leicester) Act, 1873," (in this Act called "the Act of 1873,") the Great Northern Railway Company were authorised to construct railways from Melton Mowbray in extension of the Newark and Melton line to Leicester, and the undertaking so authorised is herein-after referred to as the "Melton to Leicester line:" 36 & 37 Vict. c. ccviii.

And whereas the extension of the said undertakings from a point upon the Melton and Leicester line near Tilton-on-the-Hill to the London and North-western Railway in the neighbourhood of Market Harborough, and the construction of a branch railway (herein-after called the Bingham branch) from the Nottingham and Grantham Railway of the Great Northern Railway Company near Bingham, in the neighbourhood of Nottingham, to join the Newark and Melton line, in the parish of Stathern, would be of public and local advantage, and the Great Northern Railway Company and the London and North-western Railway Company (who are herein-after called the "two Companies") are willing at their joint expense to construct the said railways, subject to the conditions and restrictions herein-after contained:

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And whereas it has been arranged between the two Companies, subject to the authority of Parliament, that the portions of the Newark and Melton and Melton and Leicester lines herein-after described should be vested in the two Companies jointly:

And whereas it has also been agreed between the two Companies that the London and North-western Railway Company should have power to use, upon the terms and subject to the conditions herein-after contained, the portions in this Act mentioned of the railways of the Great Northern Railway Company, and that the Great Northern Railway Company should have the like power to use the portions in this Act mentioned of the railways of the London and North-western Railway Company; and it will conduce to the public convenience and it is expedient that the said arrangements should be carried into effect:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and of the lands in or through which the same are to be made and maintained, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerks of the peace for the counties of Leicester, Northampton, and Nottingham respectively, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

And whereas the purposes 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; (that is to say,)

Short title.

1. This Act may be cited as "The Great Northern and London and North-western Railway Companies (Joint Powers and New Lines) Act, 1874."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;" "The Railways Clauses Consolidation Act, 1845;"

Part I. of "The Railways Clauses Act, 1863" (relating to "construction of a railway");

The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions, and means of enforcing the payment of calls;
The forfeiture of shares for non-payment of calls;
The remedies of the creditors of the Company against shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of shares into stock;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested;

And also Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock;
are (except where expressly varied by this Act) incorporated with and form part of this Act, and shall be applicable to each of the two Companies and to the capital by this Act authorised to be raised by them by shares and borrowing respectively.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly 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 railways by this Act authorised;

The expression "joint undertaking" means and includes the railways authorised by this Act, and the lands and property hereby authorised to be taken for the purposes thereof, and also the following portions of the Newark and Melton line, authorised by the Act of 1872, as the same may be authorised to be altered by any Act of the present session; namely,

Railway No. 2 (Bottesford to Melton Mowbray);

Railway No. 3 (being a short line at Melton Mowbray);

Railway No. 4 (Western branch to Great Northern Railway at Bottesford); and

so much of the Melton to Leicester line, authorised by the Act of 1873 (as the same may be authorised to be altered by any Act of the present session), as will lie between Melton Mowbray and the commencement of railway No. 1 by this Act authorised, and the lands and property authorised to be taken for the purposes of the said portions of the Newark and Melton line and the Melton to Leicester line, together with the stations, sidings, and works connected with the said railways and portions of lines respectively.

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

Power to execute works according to deposited plans.

4. Subject to the provisions of this Act, the two Companies may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, 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 the said plans and described in the deposited book of reference as may be required for that purpose. The railways herein-before referred to and authorised by this Act are—

Railway (No. 1). Tilton to Market Harborough:

A railway 9 miles 7 furlongs 9 chains in length, commencing in the parish of Tilton-on-the-Hill, in the county of Leicester, by a junction with the railway No. 2 authorised by the Act of 1873, and terminating in the parish of Weston, in the county of Northampton, by a junction with the Rugby and Stamford branch of the London and North-western Railway.

Railway (No. 2). Eastern junction with London and North-western Railway:

A railway 3 miles 4 furlongs 3·50 chains in length, commencing in the parish of Hallaton, in the county of Leicester, by a junction with the railway No. 1 herein-before described, and terminating in the parish of Bringhurst, in the county of Leicester, by a junction with the said Rugby and Stamford branch of the London and North-western Railway.

Railway (No. 3). Bingham branch:

A railway 7 miles 3 furlongs 6 chains in length, commencing in the township of Saxondale, in the parish of Shelford, in the county of Nottingham, by a junction with the Nottingham and Grantham branch of the Great Northern Railway, and terminating in the parish of Stathern, in the county of Leicester, by a junction with the railway No. 2 authorised by the Act of 1872, in a field in the same parish numbered 14 on the plans deposited with respect to that Act with the clerk of the peace for the county of Leicester.

For protection of Earl and Countess of Carnarvon.

5. The two Companies shall when constructing the railway No. 3 make and thereafter maintain the works herein-after described; (that is to say,)

1. A railway siding on the south side of and forming a junction with the same railway at a point about (but not less than) 3 furlongs from the commencement thereof:
2. A road of the width of twenty feet, properly constructed and metalled (and with fences on both sides), on the south side of the same railway, leading from the Foss Road to the Occupation Road at Saxondale, for the purpose of giving access to the Earl and Countess of Carnarvon, and the trustees of the late Earl of Chesterfield, and their tenants, to the said siding:
3. A railway siding on the north side of and forming a junction with the same railway at a point not less than 2 miles and 2 furlongs, and not more than 2 miles and 5 furlongs, from the commencement thereof.

Provided, first, with respect to the said sidings, that they shall be constructed so that they may be conveniently used for traffic intended to be sent either east or west over the same railway; and from the time when the same railway shall be opened for public traffic the two Companies shall work the points thereat so as to cause no unreasonable delay or inconvenience in the passing of trains to or from such sidings, and shall also by their servants or workmen ensure the safe working thereof, so that no unreasonable delay or inconvenience shall at any time occur in the reception or transmission of goods or produce by the said Earl and Countess and trustees, or their tenants, at such sidings respectively; and secondly, with respect to the said road, that the said trustees shall provide whatever land may be required for the same: Provided further, that before the commencement of the construction of the said works the following requirements shall be complied with:

(*a.*) A plan of the works shall be prepared by the engineer of the two Companies, and approved by an engineer to be nominated by the Earl and Countess of Carnarvon and the said trustees:

(*b.*) The points at which the said sidings will form junctions with the said railway shall be approved by the last-mentioned engineer.

And in the event of the said engineers differing in opinion, every matter with respect to which they differ shall be referred to and executed according to the direction of an engineer to be appointed by the Board of Trade, on the application of the two Companies or the said Earl and Countess of Carnarvon and trustees, such application and the proceedings thereupon to be at the cost of the two Companies.

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Lands for extraordinary purposes.

6. The quantity of land to be taken by the two Companies by agreement under the powers of this Act for the extraordinary purposes mentioned in "The Railways Clauses Consolidation Act, 1845," shall not exceed fifteen acres.

Powers for compulsory purchases limited.

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

Inclination of roads.

8. In altering for the purposes of this Act the roads next herein-after mentioned the two Companies may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Railway No. 1.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
31	Hallaton - -	Public road -	1 in 9 on one side.
40	Ditto - -	Ditto -	1 in 12 ,,
45	Ditto - -	Ditto -	1 in 15 ,,
13	Slawston - -	Ditto -	1 in 10 ,,

Railway No. 2.

13	Medbourne -	Ditto -	1 in 8 ,,

Power to take easements, &c. by agreement.

9. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the two Companies any easement, right, or privilege required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Penalty imposed unless the lines are opened within the time limited.

10. If the two Companies fail within the period limited by this Act to complete the railways, they shall be jointly and severally liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance

with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of "The Railway and Canal Traffic Act, 1854;" and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of Her Majesty's Paymaster General, on behalf of the Court of Chancery in England, in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Companies were prevented from completing or opening the railways by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

11. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways, 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 two Companies by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in England may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Chancery in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that if either of the said Companies become insolvent and be ordered to be wound up, or if a receiver have been appointed in respect of such Company, then the portion of such penalty recovered

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from such Company as aforesaid shall wholly or in part (in the discretion of the Court) be paid or transferred 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.

Period for completion of works.

12. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the two Companies for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls on railway.

13. The two Companies may demand and take in respect of the joint undertaking the same tolls and charges as are authorised to be received for and in respect of "the Great Northern Railway by virtue "of the Great Northern Railway and East Lincolnshire Railway "Acts Amendment Act, 1850."

13 & 14 Vict. c. lxi.

Transfer to two Companies of parts of Newark and Melton and Melton to Leicester lines.

14. The portions of the Newark and Melton line and Melton to Leicester line herein-after described, and all the lands which before the passing of this Act may have been acquired or contracted for by the Great Northern Railway Company with respect to the same, and the benefit of all contracts which before the passing of this Act may have been made by the same Company with respect to the same portions of railway, and all powers, rights, privileges, and authorities granted to the said Company by the Act of 1872 and the Act of 1873, and any other Act of the present session relating to the said portions of railways or any of them, for the construction and maintenance of the said portions of railways, and the use and management thereof, and the taking of lands for the purposes thereof, and the taking tolls in respect thereof, and all duties and liabilities imposed upon or which had been incurred by the same Company with relation thereto, are by this Act transferred to and vested in the two Companies jointly and equally as joint owners, and as though the power to make and maintain the same portions of railways had been originally granted to the said two Companies jointly and equally. The portions of railways so vested and transferred, and which form part of the joint undertaking, are:

The railways No. 2, No. 3, and No. 4 of the Newark and Melton line, authorised by the Act of 1872, as the same may be authorised to be altered by any Act of the present session;

So much of the Melton to Leicester line, authorised by the Act of 1873, as the same may be authorised to be altered by any Act of the present session, as will lie between Melton Mowbray

and the commencement of railway No. 1 by this Act authorised;

together with the stations, approaches, sidings, works, and conveniences connected with the said portions of railways respectively.

Providing for appointment of joint committee.

15. All the powers herein-before conferred on or vested in the two Companies jointly for the construction of the railways authorised by this Act, and the before-mentioned portions of the Newark and Melton line and the Melton to Leicester line respectively, and for the entering upon and taking of lands for the purposes thereof, and with respect to the maintenance and management of the joint undertaking, and the levying of tolls and charges in respect of the use thereof, shall be vested in a joint committee to be called the "Great Northern and London and North-western Joint Committee."

Constitution of joint committee.

16. Within one month after the passing of this Act the directors of the Great Northern Railway Company shall nominate and appoint in writing under the hand of their chairman or secretary three persons, and the directors of the London and North-western Railway Company shall, within the same period, in like manner nominate and appoint three persons, and such six persons shall form the joint committee, and shall remain in office until they respectively die, resign, or are removed by the directors by whom they were nominated, and their places shall be filled or they may be re-appointed by the same means by which the original appointments were made, and all the powers vested in them by this Act may be exercised by them in the name of the committee; and the expression "the promoters of the undertaking" in "The Lands Clauses Consolidation Act, 1845," and the expression "the company" in "The Railways Clauses Consolidation Act, 1845," shall, for the purposes of the joint undertaking, mean and apply to the committee.

As to vacancies in committee.

17. The two Companies may from time to time in like manner, at their pleasure, remove the members of the committee so nominated by them respectively, and may in like manner respectively fill up the vacancies occurring among such members by removal, death, or resignation; and no act done by the committee shall be invalidated because of any alleged or real want of authority on the part of the said chairman or secretary to sign such appointment.

Meetings of committee.

18. The committee shall hold its meetings at such place as it may from time to time determine upon, and four shall be a quorum thereof, and the chairman of each meeting shall be elected alternately from the members representing each of the said Companies, if any such member be present at the commencement of such

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meeting, and unless otherwise unanimously agreed on at any such meeting, for that meeting; and the representatives of each of the two Companies shall only have one vote amongst them, and the chairman shall not have a casting vote.

As to settlement of disputes.

19. The committee shall at their first meeting in every year appoint some person as arbitrator for the ensuing year, and if any question shall at any time arise in the committee concerning which question the member or members present representing the one Company differ from the member or members present representing the other Company, the matter in difference shall, if so desired by the member or members present representing either Company, be from time to time referred to the said arbitrator, or in default of the appointment of such arbitrator by the committee, then to an arbitrator to be nominated by the Board of Trade, on the application of either of the Companies; and the arbitrator may, on application made to him by the members of the committee representing either of the said Companies, attend at any meeting of the committee and summarily decide any such matter in difference, and every award or decision of such arbitrator shall be final with respect to the matters submitted to him; and the said committee or the Board of Trade, as the case may be, may fix the remuneration to be paid to such arbitrator: Provided always, that if any matter which may have been referred to the arbitrator shall be left undecided by him at the expiration of his year of office, the same matter shall be decided by the said arbitrator, and his decision shall be binding although he may no longer fill the said office.

Standing arbitrator.

Functions of committee.

20. The committee shall have the direction of the joint undertaking, and they may appoint, remunerate, and at their pleasure remove such officers, clerks, and servants as they may deem needful for the purposes thereof, and they shall cause proper books of account to be kept containing accurate statements of the receipts and expenditure touching the joint undertaking and connected with the traffic thereon, as well as books in which shall be entered the minutes of all proceedings at every meeting of such committee.

As to funds for construction, &c.

21. In order to provide funds for the construction of the railways and portions of railways which constitute the joint undertaking, and the acquisition of the lands required for the same, and for the management, maintenance, and repair thereof, and for otherwise carrying on the business of the committee until adequate revenue shall be derived from the joint undertaking, the following provisions shall have effect; namely,

The committee shall from time to time, in a minute, estimate the amount of moneys required by them for the above purposes, and shall fix the times at which such moneys are to be paid to their bankers or treasurer; and copies of every such minute, signed by the chairman of the meeting at which such minute was made, and by the clerk of the committee, or by the arbitrator and clerk, shall be sent with all convenient despatch to the secretaries of the two Companies respectively, addressed to the principal offices of the same Companies.

The two Companies shall at the time so fixed in the minute pay in equal moieties to the bankers or treasurer of the committee the amount specified in the minute; and such moieties shall be deemed debts due from the Companies respectively to the committee from the day fixed for the payment thereof until the same shall be discharged.

If either of the Companies shall make default in such payment the same Company shall be charged by the committee, and shall pay to the committee, interest at the rate of ten per centum per annum upon the amount due from the same Company, to be calculated from the day fixed for the payment until the day when the same is paid.

The Company which, in pursuance of the foregoing provisions, shall have made the required payment may recover from the Company in default the moneys so due by action of debt in any court of competent jurisdiction; and it shall be sufficient in any such action to produce the minute book containing the estimate on which the claim is founded, and to prove that a copy of the said minute, duly authenticated, was sent to the secretary, addressed at the principal office of the Company in default, and that the sum mentioned in the said minute has not been paid.

As to disposal of revenue.

22. The committee shall receive all the tolls, rents, rates, and charges, and all other the revenue arising out of the joint undertaking or connected therewith, and shall devote the same, in the first instance, to paying the salaries, charges, and expenses incident to the working, control, management, maintenance, and repair thereof; and the balance of net revenue remaining in the hands of the committee at the end of every half year, after making such payments as aforesaid, shall be handed by them to the said two Companies in equal proportions: Provided that such committee may account to the said Companies either monthly or quarterly for all balances of net profits.

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As to expenses of managing joint undertaking.

23. If the revenue so coming to the hands of the committee shall be insufficient for the purpose of defraying the salaries, charges, and expenses incident to the working, control, management, maintenance, and repair of the joint undertaking, each of the said two Companies shall from time to time, upon demand thereof by the committee, pay to the committee in equal proportions the amount declared by them to be required for the purpose aforesaid, whether in anticipation of future payments or in liquidation of payments already made; and the foregoing provisions as to funds for construction, &c. shall extend and apply to the sums so declared to be required.

Actions, &c. with respect to joint undertaking.

24. All actions, suits, indictments, and other proceedings at law or in equity which might have been brought and prosecuted by or against either of the Companies, if that Company had been solely authorised to execute this Act, may, as regards any act or default of the committee in relation to the joint undertaking, or any part thereof, or the execution of this Act, be brought and prosecuted by or against the committee; and any summons, demand, writ, notice, or other proceeding at law or in equity, or otherwise, relating in any manner to the joint undertaking, or to any act or default of the committee, shall, if served on the secretary or any member of the committee, or if left at or transmitted by post to the principal office of the committee, or of either of the two Companies, be valid and effectual.

Extending certain provisions of the 8 & 9 Vict. c. 16.

25. The following sections of "The Companies Clauses Consolidation Act, 1845," shall be incorporated with and form part of this Act, and the expression "the directors" in the said sections mentioned shall in this Act mean the said committee, and the expression "the Company" in the hundredth section shall mean the two Companies or either of them:

Section 97, with respect to the making of contracts;

Section 98, with respect to the entry of proceedings;

Section 99, with respect to informalities in appointment of directors;

Section 100, with respect to the personal liability of directors;

Sections 109 to 114, with respect to the accountability of officers of the Company;

Sections 142 to 160, with respect to the recovery of damages not specially provided for, and penalties; and

Sections 161 and 162, with respect to access to the special Act:

Provided always, that any contract which according to the said ninety-seventh section ought to be made under seal shall be valid

and effectual if made in the name of the committee, under the hands and seals of the chairman of the meeting of the committee when such contract was signed, and two other members of the committee present at such meeting.

The Companies to have equal rights in respect of joint undertaking.

26. The two Companies shall have equal rights each with the other in all respects as to working over and using, and may work over and use, the joint undertaking, and the works, stations, and conveniences thereof, and no advantage shall be given to either Company to the prejudice of the other: Provided that the rates to be paid by each Company for the conveyance by that Company of traffic over the joint undertaking shall be the mileage proportion attributable to the joint undertaking of the gross receipts of the carrying Company from the traffic so carried by that Company over the joint undertaking, after deducting from such gross receipts (first) the usual Clearing House terminals arising thereon, and also paid-ons, paid-outs, proportions paid or due to other companies, and Government duty, and (secondly) from the net sum thereby ascertained thirty per centum for working expenses to the carrying Company.

Joint committee to fix tolls, &c.

27. Subject to the provision herein-before contained as to the use of the joint undertaking by the two Companies, the tolls, rates, and charges to be demanded and taken in respect of the use of the joint undertaking shall from time to time be fixed by the joint committee.

Reciprocal running powers.

28. The two Companies respectively may run over and use with their engines and carriages of every description, and with their clerks, officers, and servants, all or any part of the respective railways and undertakings herein-after mentioned, together with the stations, watering-places, water, booking-offices, warehouses, landing-places, sidings, works, and conveniences connected therewith respectively; (that is to say,)

The London and North-western Railway Company may run over and use—

So much of the Nottingham and Grantham branch of the Great Northern Railway as lies between Bottesford and the town of Nottingham, together with the stations of the Great Northern Railway Company at Nottingham;

So much of the existing and authorised undertaking of the Great Northern Railway Company as lies between Bottesford and the Askerne Junction of the Great Northern Railway;

So much of the undertaking of the Great Northern Railway as was authorised by the "Great Northern Railway (Derbyshire

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and Staffordshire) Act, 1872," as the same may be altered or diverted by the Great Northern Railway Company under the powers of any Act which may be passed in the present session of Parliament;

The railways for which power is sought by a Bill now pending in Parliament under the name of the Great Northern Railway (Further Powers) Bill, and therein called railways Nos. 5 and 6 (railways at Basford), railway No. 7 (railway at Codnor Park), railways Nos. 8 and 9 (railways at Derby), or such of them as shall be authorised by Parliament;

The Peterborough branch of the Great Northern Railway, (authorised by "The Great Northern Railway Additional Powers Act, 1873,") and also so much of the Great Northern Railway as lies between the junction therewith of the said Peterborough branch and Peterborough, including the main line passenger station of the Great Northern Railway Company at Peterborough;

But if at any time hereafter the goods station of the Great Northern Railway Company at Nottingham should become in the opinion of the London and North-western Railway Company inadequate to the accommodation of their goods traffic, nothing in this Act shall prejudice that Company in acquiring or providing a separate goods station at Nottingham in connexion with the said Nottingham and Grantham line, near the town of Nottingham.

The Great Northern Railway Company may run over and use—

So much of the London and North-western Railway as lies between the point of junction therewith of the railway No. 1 by this Act authorised and the town of Market Harborough, together with the station of the London and North-western Railway Company there;

So much of the Rugby and Stamford line of the London and North-western Railway Company as lies between the Market Harborough station of the London and North-western Railway Company and Seaton, and so much of the railway of that Company as lies between Market Harborough and Northampton, together with their station at Northampton;

The Seaton and Wansford line of the London and North-western Railway Company, authorised by "The London and North-western Railway (New Lines) Act, 1873;" and also

So much of the Northampton and Peterborough line of the London and North-western Railway Company as will be situate between the junction therewith of the said Seaton and Wansford line and the city of Peterborough.

As to payments in respect of running powers.

29. Each of the two Companies shall pay to the other Company in respect of the running powers exercised by them under the authority of the last preceding enactment, the mileage proportion attributable to the portion of railway run over of their gross receipts from the traffic in respect of which the running powers are exercised, after deducting from such gross receipts (first) the usual Clearing House terminals arising thereon, and also paid-ons, paid-outs, proportions paid or due to other Companies, and Government duty, and (secondly) from the net sum thereby ascertained thirty per centum for working expenses to the carrying Company. And the said payments shall be made monthly in accordance with the regulations of the clearing house from time to time in force.

For protecting local traffic.

30. In exercising the powers herein-before granted, it shall not be lawful for either Company, unless with the consent in writing of the other Company, to take up at any station of the same Company upon the portions of railway herein-before specified any passengers, parcels, animals, goods, or minerals, and to deliver the same at another station of the same Company; and if either Company violate this enactment they shall for every such violation pay to the Company on whose railway the said traffic was conveyed fifty pounds by way of penalty.

As to services on portions of railway run over and stations used.

31. Each of the two Companies shall perform upon the portions of railway herein-before specified belonging to them respectively, and at the stations thereon, all such services and duties as may be necessary or reasonable for the convenient conduct of the traffic of the other Company, upon payment of such charges for the same and for the use of such stations as may be agreed upon between the two Companies; and if any difference shall arise between the Companies as to the amount of such payments, or as to the nature, extent, or sufficiency of the services and duties so to be performed, and the use made of such stations, such difference shall from time to time be settled by arbitration, as herein-after provided; and the arbitrator to whom the matter may be referred may determine the amount of such payments and prescribe what duties and services shall be so performed, and if he shall be of opinion that it is needful for the protection of the due working or development of the traffic of either Company, he may prescribe that that Company may employ at any of the stations aforesaid, to be designated by the arbitrator, such clerks, agents, and servants as he may by his award define, and he may likewise prescribe the accommodation that shall be given at such station to the said clerks, agents, and servants, and may lay down rules for their conduct, and may prescribe the pay-

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ments to be made for the accommodation so afforded, and the award made from time to time by the arbitrator shall be binding upon the Companies and shall be obeyed by them respectively: Provided always, that the right to use the said stations shall not be suspended during such arbitration: Provided also, that it shall be lawful for each Company to cart goods into and out of the stations hereinbefore mentioned of the other Company.

Byelaws to be observed.

32. The two Companies in using or traversing the said portions of railway respectively, and in using the stations and conveniences thereof, in accordance with the provisions herein-before mentioned, shall at all times observe the regulations and byelaws for the time being in force on the undertaking so used, so far as such byelaws shall be applicable to the Company exercising the said powers.

Providing for settlement of differences by arbitration.

33. Any difference which may from time to time arise between the two Companies with respect to the use herein-before provided of their respective undertakings, or with respect to the regulations under which that use shall be enjoyed, shall be settled by arbitration in the manner provided by "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

Providing for traffic facilities in lieu of running powers.

34. If either of the two Companies from time to time desire that, instead of exercising the running powers by this Act conferred upon them over any of the before-mentioned portions of railway of the other Company, or any part or parts thereof, traffic facilities should be afforded by that other Company, the following provisions shall apply and have effect:

(1.) The Company so desiring shall give notice in writing under their common seal to the other Company of the portion or portions of railway over which they desire such facilities to be afforded, and such notice shall be deemed to include the stations, watering-places, water, booking-offices, warehouses, landing-places, sidings, works, and conveniences connected therewith:

(2.) Upon and from the expiration of one month from the giving of any such notice, the Company to whom the notice is given shall afford to the Company giving the notice all such facilities and accommodation as are usual or useful for the convenient working or development of railway traffic of every description, including, among other things, through booking, through tickets and invoices, and, so far as may reasonably be required, through carriages and

waggons, and conveniently timed and arranged trains, and the employment and accommodation at the stations and offices of the Company to whom the notice is given of the officers and servants of the Company giving the notice, and the Company to whom the notice is given shall at all times and in all respects conduct, forward, carry on, and accommodate all such traffic on equal terms with and as if it were their own traffic:

(3.) The rates and other sums to be charged by the Company to whom the notice is given for or in respect of the facilities so rendered shall, failing agreement between the two Companies, be settled by arbitration as herein-before last provided:

(4.) During the continuance of any such notice the running powers by this Act granted over the part or parts, portion or portions of railway mentioned therein shall not be exercised, but the Company by whom the notice is given may at any time after the expiration of six months from the time of the notice taking effect by similar notice put an end to the same, and may thenceforth exercise those running powers as fully and effectually as if the traffic facilities had not been required or afforded.

Capital to be contributed equally.

35. The capital to be raised for the purposes of this Act shall be contributed by the two Companies in equal proportions.

Great Northern Railway Company may apply their funds and may raise additional capital.

36. It shall be lawful for the Great Northern Railway Company to apply towards the purposes of this Act any of the moneys which they are already authorised to raise, and which may not be required by them for the purposes for which the same were authorised to be raised, and the same Company may, for the purposes of this Act, from time to time raise, in addition to the sums of money which they are already authorised to raise, any further capital not exceeding in the whole two hundred and fifty thousand pounds by the creation and issue at their option of new ordinary shares or stock, or new preference shares or stock, or wholly or partly by any one or more of those modes respectively, which shares or stock shall form part of the general capital of the Company.

Shares not to vest until one fifth part paid up.

37. The Great Northern Railway Company shall not issue any 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 part of the amount of such share shall have been paid in respect thereof.

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As to votes of proprietors of such shares.

38. The proprietors of any shares or stock to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares of the Great Northern Railway Company.

Power to borrow.

39. The Great Northern Railway Company may from time to time borrow on mortgage any sums not exceeding in the whole eighty-three thousand three hundred pounds, but no part thereof shall be borrowed until shares for so much of the said capital of two hundred and fifty thousand pounds as is to be raised by means of shares are issued and accepted and one half thereof is paid up, and the said Company have proved to the justice who is to certify under the 40th section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that shares for the whole of such capital as is to be so raised 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 capital as is to be raised by means of stock is fully paid up, and the said Company have proved to such justice as aforesaid that such shares or stock, as the case may be, were issued bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Power to London and North-western Railway Company to raise additional money by creation of shares.

40. The London and North-western Railway Company from time to time may raise for the purposes of this Act, by the creation and issue of shares, such sums of money as they shall think necessary, not exceeding five hundred thousand pounds, exclusive of the moneys which they are or may be authorised to raise by any other Act or Acts of Parliament; and the same Company may create and issue such shares either wholly or partially as ordinary or wholly or partially as preferential shares, as they may think fit.

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

41. The London and North-western Railway Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a

sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Except as otherwise provided, new shares created by London and North-western Railway Company to be subject to same incidents as ordinary shares.

42. The share capital created by the London and North-western Railway Company under this Act, and the shares therein, and the holders of those shares respectively (except any share capital and shares therein to which a preferential dividend is attached and the holders of those shares respectively), shall be subject and entitled to the same powers, provisions, forfeitures, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing ordinary share capital of the London and North-western Railway Company, and those shares were shares in that ordinary capital.

Dividends on new shares created by London and North-western Railway Company.

43. Every person who becomes entitled to a share created by the London and North-western Railway Company under this Act shall in respect of the same be a shareholder in the London and North-western Railway Company, and shall be entitled to a dividend, either preferential or ordinary, as the case may be, with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Votes and qualifications in respect of shares created by that Company.

44. The holders of the shares created by the London and North-western Railway Company under this Act shall have rights of voting and qualifications in respect thereof on the principle that each sum of one hundred pounds paid up in respect of the shares held by any such holder shall be deemed equivalent to one original share of one hundred pounds in the capital of the same Company as prescribed by their Act of incorporation:

Provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up:

Provided also, that (unless otherwise specified in any resolution of the same Company) no person shall be entitled to vote in respect of any share created or issued under this Act to which a preferential dividend shall be assigned.

London and North-western Railway Company may create and issue stock in lieu of shares.

45. The London and North-western Railway Company may raise by the creation of stock the money which they are by this Act authorised to raise by the creation of shares, or any part thereof.

The same Company may create and issue such stock either wholly or partially as ordinary, or wholly or partially as preferential stock, as they may think fit, and all the provisions of this Act with respect to the shares by this Act authorised to be created, and the holders thereof, shall, so far as applicable, apply to the stock created under

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the authority of this present enactment, and the respective holders thereof, as fully and effectually as if those provisions were re-enacted in respect of that stock and the respective holders thereof.

New shares or stock raised by the London and North-western Railway Company under this Act and any other Act of past or present sessions may be of same class.

46. Subject to the provisions of any Act already passed by which the London and North-western Railway 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 of Parliament, whether before or after the passing of this Act, by which they may be authorised to raise capital by new shares or stock, the same Company, if they think fit, may raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock, but nothing in this Act contained shall empower the same Company to issue stock to be paid up by instalments.

Power to borrow.

47. The London and North-western Railway Company may from time to time borrow on mortgage for the purposes of this Act, in addition to the sums which they are already authorised to borrow or which they may be authorised to borrow by any other Act or Acts of Parliament, any sum not exceeding in the whole one hundred and sixty-six thousand six hundred pounds, but no part thereof shall be borrowed until shares for so much of the capital as is to be raised by means of shares are issued and accepted, and one half thereof is paid up, and the London and North-western Railway 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 capital as is to be raised by means of stock is fully paid up, and the London and North-western Railway Company have proved to such justice as aforesaid that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, if the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the same Company, and of such other evidence as he shall

think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Power to apply corporate funds to purposes of Act.

48. The London and North-western Railway Company may apply to any of the purposes to which the moneys by this Act authorised to be raised by them are made applicable any of the moneys which they now have in their hands or which they have power to raise by shares, stock, debenture stock, or mortgage by virtue of any Acts relating to the same Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Existing mortgages to have priority.

49. All mortgages granted by either of the two Companies in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, have priority over any mortgages granted by either of the two Companies by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by either of the two Companies.

Debenture stock.

50. Each of the two Companies 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 either of the two Companies shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the two Companies respectively, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

51. All moneys raised by the two Companies under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied to the purposes of this Act only.

Receipt clause in case of persons not sui juris.

52. If any money is payable to a holder of shares or stock in either of the two Companies being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the same Company.

Interest not to be paid on calls paid up.

53. Neither of the two Companies shall, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent either 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."

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

54. Neither Company shall, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising either Company to construct any other railway, or to execute any other work or undertaking.

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

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

Expenses of Act.

56. 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 two Companies equally.

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