

Historical Notes

An Eighteenth Century Leicestershire Business Woman: The Countess Mary Migliorucci of Nevill Holt by Bernard Elliott

In her recent book, *The Weaker Vessel*, Antonia Fraser mentions several enterprising women in the seventeenth century who managed to make a lucrative living while working for themselves. Such a woman was Joan Dant, who travelling the length and breadth of Britain in order to sell her goods, amassed a large fortune.¹ Another enterprising business woman about the same time was Mrs Ann Mitchell who with her husband Miles sold newspapers and books but when he died in the plague of 1665 she continued his business and prospered.²

A far more enterprising woman than either of these two ladies was, however, to be found in Leicestershire about the same date. She was Mary Nevill, the youngest daughter of Henry Nevill II of Nevill Holt. In an earlier *Transactions* I described the career of Sir Thomas Nevill I, the founder of this important family, who lived 1501-1571.³ Over a hundred years and some six generations later the subject of this article. Mary Nevill, was born on 30 January 1678.⁴ She was the youngest of the four daughters of Henry Nevill II and his wife Margaret, but since the days of Sir Thomas Nevill I an important change had taken place in the religious affiliation of the family. When Sir Thomas Nevill I had accepted Protestantism at the time of the Reformation, his grandson, Sir Thomas Nevill II had become a Catholic, but a very secretive Catholic, to whom the title of church-papist is usually applied.⁵ About 1622 Sir Thomas Nevill II invited the Jesuits to establish themselves at Nevill Holt and for over the next thirty years Fr. Michael Alford, S.J., acted as domestic chaplain to the family.⁶ Sir Thomas Nevill II was succeeded by his son, Henry Nevill I (1596-1665), who fought for the King during the Civil War and was fined as a delinquent, but not as a popish delinquent, to the tune of £6,000.⁷ Like his father, Henry Nevill I was a church-papist, but his son and successor, was a declared and open Catholic, who followed James II into exile. William Nevill's son, Henry Nevill II, was also a sincere Catholic who married another Catholic, Margaret Napper of Oxford⁹ and they had six children, the youngest girl of whom was Mary, the subject of this article.

Mary Nevill was born on 30 January 1678, a most anxious time for Catholics for this was the period of Titus Oates' Plot, forcing Henry Nevill II and his wife to flee abroad to France.¹⁰ The following year, the situation improved so that they were able to return home to Nevill Holt.¹¹ Within a few years of their return the children themselves now went abroad, this time to be educated. In 1689, Mary went to the Blue Nuns' School in Paris¹² which was run by English Benedictine nuns and was one of the most popular convent schools for the English catholic gentry. One girl who went there was the Duke of Marlborough's illegitimate daughter by Lady Castlemaine.¹³ Mary Nevill remained abroad for her education and returned to England to divide her time between Nevill Holt and the London town house in Queen's Square near Ormonde Street. Presumably, it was at this residence that Mary met her future husband, Count Peter Joseph Migliorucci.¹⁴ He was the London representative of a firm of Florentine merchants and in 1709 he became a naturalised subject.¹⁶ Four years later he married Mary Nevill.¹⁷ In 1716, their only

child, Cosmas Henry Joseph, was born,¹⁸ but the marriage did not last for long, for in 1726 Count Migliorucci died.¹⁹ Two years later Henry Nevill II himself died and so the Countess now became head of the family since the real heir to the inheritance, George, had been a complete lunatic since the age of twelve.²⁰

Count Joseph Migliorucci had been one of the most important London dealers in the highly lucrative business of importing silver bullion from Spain. The trade in bullion was one of the least known in eighteenth-century England, yet vital for the economy since England needed silver bullion for her East Indian trade.²¹ Obviously, the Countess Mary Migliorucci was a vigorous, active and capable woman for on her husband's death she took complete control of his business. Many are the letters still extant in the Leicestershire Record Office which show that her subordinates made no decision without first consulting her. In November 1729, her agent in London, A.J. Merle, bought from Messrs. Gifford, Alexander and Co. of Cadiz 1,500 pieces of eight which the ship *Dorothy* under Captain Butler brought to London.²² Later in November, Merle wrote to the Countess: 'I shall expect your Ladyship's order what I am to do with the pieces of eight after I have received 'em, whether I am to sell them or no.'²³

Evidently, the Countess told Merle to sell them, for on 20 November he informed her that on the 18th he had sold the 1,500 pieces of eight to Messrs Woodward and company, the bankers.²⁴ The coins were in two bags: bag one contained 1,000 pieces and weighed 71 lbs and 8 ounces and 10 pennyweights and bag two contained 500 pieces weighing 36 lbs and 10 pennyweights. In all, the silver weighed 107 lbs. 9 ounces for which the banker paid £336-5s. at the rate of 5/6d. per ounce.²⁵

A month later Merle imported for the Countess 290 pieces of eight in the ship *Ethelred*. The bullion imported in the *Dorothy* had been insured, for Italian merchants such as the Miglioruccis, had introduced marine insurance into England²⁶ and it was therefore only natural that the Countess should continue the practice of her husband's countrymen. So, acting on her instructions, her agent, Merle, insured the cargo on the *Dorothy* for £400 at the rate of £1.5 for every £100 with the underwriter, Henry Gaultier, on the understanding that if the cargo was lost, Gaultier would pay the Countess £84 for every £100 insured.²⁷ But the importers did not insure every cargo, for Merle wrote to the Countess on 27 December 1729: 'I understand the ship *Ethelred* that brought them [i.e. the pieces of eight] arrived so that there will be no need of making any insurance and which is so much saved.'²⁸ In fact, some merchants never insured at all. Such a merchant was William Beckford, who maintained that he seldom insured his goods so that he could sell them more cheaply.²⁹

As well as trading with Spain, the Countess also traded with America. On 2 August 1729, Merle wrote to her: 'the 79 barrels of oyl...Have been sent from New England to my lord Mr Vannek for the use of the late Sir Justice Becks so that my lady hath no concern in the same and Mr Vannek will take the necessary care about it.'³⁰ Mr (later Sir) Joshua Vannek was an important Dutch financier³¹ and the oil that Merle mentioned was whale oil³² which was the basis of the fine oil now in great demand for lubricating the new machines of the Industrial Revolution. The Countess also traded with China, for on 14 October 1729 Merle informed her through Fr Levinge that four ships for China were ordered for the Downs for 6 November.³³ Presumably, the Countess was importing tea from China, for tea from China was by far the most important import from the East.³⁴ The Countess was also interested in trading ventures to Puerto Rico, for in November 1729 Merle wrote wanting to know what she proposed to do about the venture.³⁵ Moreover, the Countess's commercial activities seem to have had their religious aspect, for one letter suggests that she was inquiring by what means she could send funds to Roman Catholic

missionaries in the East Indies and elsewhere. In a letter to Fr Levinge, Josph Wildegos, an employee of A.J. Merle, wrote: In answer to your kind lines of 23inst. we know not of any other agent employed by the Congregation de Propaganda Fide than our own house by whom we had at the beginning of the year a sum remitted to us to be sent to the missionaries in the East Indies.³⁶

Fr Richard Levinge was the Jesuit chaplain at Nevill Holt while Lady Mary Migliorucci was in charge of the estate.³⁷ He was born in 1687 in Wales, became a Jesuit on 7 September 1705, entered Watten novitiate in 1706, studied at the Jesuit College of Liège from 1708 to 1710, then at St Omers College from 1711 to 1715. He was ordained priest c. 1718 and came to the Midland province of the Jesuit order in 1725 and to Holt in 1727 where he was to remain for the rest of his life. From the many letters in the Nevill correspondence it is clear that he acted not only as chaplain to Lady Mary, but also as her secretary. In July 1729, A.J. Merle wrote to the Countess: I have heard with very great pleasure your ladyship's safe arrival at Holt by a letter Mr Levinge hath done me the favour to write unto me in which was a letter for Mr Wythie at Paris, the which I have forwarded.³⁸ Again, on 8 November 1729 Merle wrote to her: I am much favoured with a letter from Mr Levinge of the 5th inst. by which he gives me advice by your ladyship's order of a bill your ladyship hath drawn upon me for forty pounds payable to Mr Anthony Nott which shall meet with due honour.³⁹ On 30 September 1729, Peter Croce, a London wine-merchant, wrote to Fr Levinge: 'Last Wednesday by the Kettering carrier I sent a hogshead of wine for the lady Migliorucci which you were pleased to order from me.'⁴⁰

The Nevill correspondence indeed bears out the statement made by a recent historian about the relationship between chaplains and their patrons: 'the requirement commonly made by patrons [was] that chaplains should occupy their leisure time with duties of a useful nature in the household or on the estate.'⁴¹ One priest, Augustine Baker, complained that his patron 'expected that he should despatch much of his secular business for him'.⁴² Presumably, Lady Mary Migliorucci expected Fr Levinge to help her since she was acting in what was very much a man's world. For several years Fr Levinge's activities were confined to Nevill Holt and district, but then from 1738 to his death in 1746 he was Rector of the Midland district which no doubt entailed some travelling.⁴³ It would seem, therefore, that during his first few years at Holt that he had plenty of time to assist his patron and the correspondence bears out this impression.

The business instincts of the Countess Mary can also be seen in the way in which she developed Nevill Holt Spa.⁴⁴ In a spinney 900 yards east of Nevill Holt hall, a chalybeath spring was discovered in 1728 whose water was considered valuable for medicinal purposes. So, the Countess set out to develop this small spa. A house in the neighbouring village of Blaston was taken to accommodate guests in the summer season which ran from April to October. There were two ways of taking the waters. The most common way was to buy bottles of the water which were sold in Market Harborough and even in certain shops in London. It was recommended, however, that invalids should attend the spa personally when at certain times an attendant was on duty. But the spa never achieved widespread popularity and it was in fact one of several small Leicestershire spas which were not very successful ventures. But that the Countess should have made any effort at all indicates a business outlook.

When the Countess assumed the leadership of the family on her father's death in 1728, she faced a number of difficult problems. One such problem was the question of double land-tax levied on some of her property. By the Land-Tax Act of 1692, the county commissioners were required to assess at a double rate all papists of 16 and upwards not having taken the oaths.⁴⁵ But the incidence of double land-tax varied: some property

escaped it altogether, as did Nevill Holt, but other property had to bear the burden, as did the Nevill estate at Pinner, Middlesex. Catholic landowners did from time to time try to relieve their estates of this extra burden if they saw a chance of success.⁴⁶ With the death of Henry Nevill II, the Nevill estates descended to the lunatic, George, and the Land-Tax Act of 1692 made no mention of lunatics having to pay the double-land tax. Consequently, in July 1729, the Countess ordered her lawyer in London, Anthony Nott, to try to obtain relief from the double land-tax due on land at Pinner. In pursuit of this object, Nott went first to Edgware and as he wrote to the Countess 'had much difficulty with the commissioners there present who at length adjourned the appeal to this day fortnight. As none of the commissioners who lived at or were interested in lands about Pinner were then at Edgware, the next meeting is appointed at Pinner.'⁴⁷ Nott duly went to the next meeting at Pinner, but the commissioners there raised several new difficulties. They insisted on the production of deeds of title and on proof of George Nevill's age at the commencement of his insanity. Nott informed them that he was not then eighteen, whereupon they spent a considerable time debating the merits of the case. In the end, they decided that the act did not give relief to George Nevill. Nott then proposed an appeal to the Attorney General on the ground that the Act took no notice of estates doubly taxed coming to lunatics. To this the commissioners replied that there would be great difficulty in getting a sufficient number of commissioners to attend to determine the same and hoped that the double assessment would be acquiesced in for that year.⁴⁸ On 8 November 1729, Nott again wrote to the Countess Mary that in a post or two 'he would acquaint you concerning the double tax.'⁴⁹ Whether Nott kept his promise or not, we do not know, for after the November letter there is no further reference in this part of the Nevill correspondence to double land-tax. Later on, when the Countess was dead and her son, Cosmas, was in charge, on 31 January 1751 Merle informed him that 'in all probability the land-tax will be reduced to 2/- but made no mention of double taxation.'⁵⁰ It looks, therefore, as if the Countess might have secured a reduction of the double land-tax on her Pinner property.

The next problem that faced the Countess was a family quarrel. Most Catholics avoided mixed marriages, but on occasion they agreed to such a marriage. Henry Nevill II had four daughters: Ann became a nun, Frances and Mary married Catholics, but the eldest girl Margaret, married a Protestant, the marriage taking place at Holt on 13 February 1700.⁵¹ But Sir Baldwin Conyers was not only a Protestant, he seems to have been violently anti-Catholic. Thus, he contested his father-in-law's will. In this will, Lady Conyers had been left £2,000 and her two eldest daughters £300 each.^{51a} Clearly, Sir Baldwin thought that this amount was inadequate. So, he proposed that part of the Nevill estate should be sold so that his wife and daughters could have another £6,000.⁵² Moreover, he contended that the Countess and her son, Cosmas, should not have inherited anything since the Statute 11 and 12th of William III debarred papists from receiving legacies.⁵³ It seems that the action of Sir Baldwin drew upon him and his wife the odium of all Catholics in England.⁵⁴ So, eventually, Sir Baldwin accepted an offer from the Countess to pay him £5,000 from sale of the estate on condition that he dropped his attempt to prevent the Countess and her son from inheriting the legacies.⁵⁵

The third problem that faced the Countess in these years was the education of her only son, Cosmas Henry Migliorucci, born in 1716⁵⁶ and who adopted his mother's surname, Nevill.⁵⁷ At this time Catholics could be fined for sending their children abroad to be educated. An act of 1604 fined Catholics £100 for sending a child to be educated abroad and this act was renewed in 1700.⁵⁸ Despite the risks involved, the Countess decided to send Cosmas abroad and on 30 April 1729 he crossed the Channel under the care of Fr John

Turbeville, the Jesuit Provincial, who was going to Liège.⁵⁹ But that summer the Countess's brother-in-law, Sir Baldwin Conyers decided, as we have seen, to contest the will of Henry Nevill II and so there was a possibility that the authorities might learn that Cosmas had been sent abroad. Hence Fr Turbeville wrote to Fr Levinge that the Countess might be forced to recall Cosmas, 'which I should be sorry for, yet if there be any danger of his going to Clerimond schools I think it would be very advisable to let him forbear for a while'.⁶⁰ But the Countess did not have to recall her son, who proceeded with the plan for going to study at the French Jesuit school of La Ferté in Clermont.⁶¹

By 1740 the Countess had acquired a new house in London, the corner house in Sackfield Street, Piccadilly.⁶² In 1741 she became so ill while staying there that she decided to return home at once. Her departure for Holt was very sudden — she told the Florentine ambassador that she would not be leaving before twelve o'clock, but when he arrived a little after eleven she had already left.⁶³ But her health did not improve that summer so that Cosmas delayed his marriage to Lady Mary Lee and in October Gastaldi wrote to Cosmas from London: 'My humble services to your mama which you are much in the right not to abandon in the present condition in which she is. She has been an extraordinary good mother to you and you can never do enough to show her your duty and gratitude. ... Pray don't forget my good friend Mr Levinge whom I intend to send some of my chocolat.'⁶⁴ The Countess's health continued to deteriorate in the new year and she died in March 1742, being buried at Holt on the 30th of that month.⁶⁵

Our understanding of the lives and careers of women in eighteenth century England is somewhat thin and patchy and women are inevitably less documented than men. So, the Nevill correspondence in the Leicestershire Record Office is most important in throwing light on the role of women in society especially through the letters which bear on the business activities of the Countess Migliorucci. Though she took a great interest in her commercial dealings, she also continued to be a dedicated and active Roman Catholic. At a time when many Roman Catholic gentry were apostalizing, such as the Gages and Shelleys of Sussex, the Giffords of Staffordshire, the Swinburnes and Brandlings of Northumberland, the Gascoignes, Tankreds and Smithsons of Yorkshire and the Chichesters of Devon,⁶⁶ she assisted the Jesuits whole-heartedly in maintaining Catholicism in the district of Nevill Holt. A modern historian has written: 'the evidence entitles us to conclude that...the Catholic community owed its existence to gentlewomen's dissatisfaction at the Reformation settlement of religion and that they played an abnormally important part in its early history.'⁶⁷ From the evidence provided by the life and career of the Countess Mary Migliorucci, Catholic women were still playing an important and considerable role in the Catholic community in the early eighteenth-century.

Notes

1. Antonia Fraser, *The Weaker Vessel*, (1984), p.377
2. *Ibid.*, p.379
3. *Transactions of the Leicestershire Archaeological and Historical Society*, vol.LVIII, (1982/83), p.20
4. J. Nichols, *Leicestershire*, (1815), II, ii, p.719
5. J.C.H. Aveling, *The Handle and the Axe*, (1976), p.40
6. Bro. Foley, *Records of the English Province*, (1875), 5, p.489. Cf. *Victoria County History of Leicestershire*, (1954), 2, p.64
7. Public Record Office (henceforth P.R.O.) SP 23 G107,825
8. E and M. Grew, *The English Court in Exile*, (1911), p.268
9. *Catholic Record Society*, vol.8, p.393
10. *C.S.P.D.* Jan.1679-Aug.1680, 3
11. *Ibid.*, Sept.1680-Dec.1681, p.669

12. *Catholic Record Society*, vol.8, p.392
13. *Ibid.*, p.248
14. Peter Joseph Migliorucci was a Count of Poland — hence his wife was known as the Countess Migliorucci
15. Nichols, *op.cit.*, p.719
16. Leicester Record Office (henceforth L.R.O.) Box 2143
17. *L.R.O. Medbourne-cum-Holt parish register*
18. Nichols, *op.cit.*, p.729
19. Medbourne-cum-Holt parish Register, *ut supra*
20. *L.R.O. EMC 1/5*
21. L.S. Sutherland, *A London Merchant*, (1695-1774), p.29
22. *L.R.O. EMC 1/5*
23. *L.R.O. EMC 1/36*
24. *L.R.O. EMC 1/38*. Richard and Thomas Woodward, Goldsmiths and Bankers, Exchange Alley: A. Heal, *The London Goldsmiths*, (1972), p.272
25. *L.R.O. EMC 1/38*
26. L. Sutherland, *op.cit.*, p.48
27. *L.R.O. EMC 1/35*
28. *L.R.O. EMC 1/41*
29. L. Sutherland, *op.cit.*, p.43
30. *L.R.O. EMC 1/30*
31. T.S. Ashton, *An Economic History of England in the 18th century*, (1955), pp.137-137
32. E. Wright, *Fabric of Freedom*, (1965), p.12
33. *L.R.O. EMC 1/33*
34. T.S. Ashton, *op.cit.*, p.180
35. *L.R.O. EMC 1/38*
36. *L.R.O. EMC 1/56*
37. G. Holt, *The English Jesuits (1650-1829)*, (1984), p.149
38. *L.R.O. EMC 1/29*. For Fr Edward Wythie, see Holt, *op.cit.*, p.269
39. *L.R.O. EMC 1/37*. It was usual at this time to call seculars Mr and religious either Mr or Fr
40. *L.R.O. EMC 1/54*
41. J. Bossy, *The English Catholic Community (1570-1850)*, (1975), p.258
42. *Ibid.*
43. G. Holt, *op.cit.*, p.150
44. *V.C.H. Leicestershire*, 5, p.241
45. 4 William and Mary cap 1 sect.xxxiv. Cf. J.A. Williams, *Catholic Recusancy in Wiltshire (1660-1791)*, (1968), p.45
46. Cf. Marie Rowlands, 'The Iron Age of Double Taxes', in *Staffordshire Catholic History*, vol.3, Spring, 1963
47. *L.R.O. EMC 1/2*
48. *L.R.O. EMC 1/4; 1/5*
49. *L.R.O. EMC 1/8*
50. *L.R.O. EMC 5/5*
51. Nichols, *op.cit.*, p.718
52. *L.R.O. EMC 1/44*
53. *L.R.O. EMC 1/44*. The Act is William III cap.4
54. *L.R.O. EMC 1/57*
55. *L.R.O. EMC 1/52*
56. Nichols, *op.cit.*, p.729
57. *L.R.O. Box 2497 ut supra.*
58. A.C.F. Beales, *Education under Penalty*, (1963), pp.272-3
59. *L.R.O. EMC 1/17*. For Fr John Turbeville, S.J. see Holt, *op.cit.*, p.250
60. *L.R.O. EMC 1/19*
61. *L.R.O. EMC 1/18*. For Clermont College or the School of Louis-le-Grand see *History To-Day*, November, 1964, Vol.15 p.775
62. *L.R.O. EMC 2/11*
63. *L.R.O. EMC 2/2*. The Florentine ambassador was J.B. Gastaldi who was married to Charlotte Conyers, a daughter of Sir Baldwin Conyers
64. *Ibid.*
65. *V.C.H. Leicestershire*, 5, 241
66. *J.C.H. Aveling, op.cit.*, p.267
67. *J. Bossy, op.cit.*, p.158

A Nineteenth Century Listening System in Enderby Church by Geoffrey K. Brandwood

Evidence survives at Enderby church of a solution to the problem of deafness amongst a nineteenth-century congregation. In the east row of seating in the south aisle and in the row behind are the remains, respectively, of four and one small boxes with drop-down, lockable doors fixed below the shelf for the prayer books. They and their contents are in various states of completeness and delapidation and, unfortunately, two on the front row have disappeared altogether. Into the boxes were set acoustic pipes which travel underground from the pulpit nearby and the reading desk on the north side of the chancel. In the floor of the pulpit all that can now be seen is a hole through which the pipe would have passed. However, on the top of the reading desk is a book-rest in the lower part of which is a tin lined elliptical recess complete with removable lid. Tin pipes pass down the inner side of the desk and into the ground. The deaf members of the congregation were no doubt grouped in the east end of the south aisle and their small boxes were supplied with a flexible listening tube. This plugged on to the stub of the fixed pipe and at the other end there was a curved metal part with an ivory ear-piece.

So far as I am aware this ingenious equipment occurs in no other Leicestershire churches. The suppliers at Enderby were F. Charles Rein & Son, 'Patentees, Inventors and Sole Manufacturers of the New Acoustic Instruments, 108 Strand, London'. This is made clear in two paper notices stuck at the back of each box. They advertise the company as suppliers of 'Floras Auricles, worn as a Lady's Head dress — Acoustic Auricles worn under the Hair — Acoustic Chairs, *Pulpits*, [my italics] Flexible Whispering Tubes for extreme Deafness...[sundry other devices]... and every other kind of Mechanical Assistance'.

There is little doubt that the system was installed at the 1867-68 restoration when all but the fourteenth-century tower was rebuilt under the Leeds architect, Edward Birchall. All the fittings appear to be of this time. The work cost *c.* £5,000 and was paid for entirely by the squire, Charles Brook (1813-72). The vicar, the Rev. G.F. Gill, informed me that until shortly after 1951 there was a listening device in the north chapel which Brook had built for himself and his family. No evidence of this survives, unfortunately. One may speculate that Brook was deaf towards the end of his life and that this affliction prompted him to provide relief for other church-goers.

I am most grateful to the Rev. G.F. Gill for drawing my attention to this unusual feature in his church.

Syston Junction: A Railway and the Board of Trade by J.V. Gough

Even before it acquired an independent route into London, the Midland Railway was carrying an enormous amount of coal south, most of it to be handed over to the London & North Western at Rugby. With the opening of the Bedford to London line in 1867-8 traffic continued to grow, and the Midland soon had to consider the provision of additional facilities. New railways were planned from Nottingham to Saxby and from Manton to Rushton in order to form a Loop Line that could not only relieve pressure on the main line through Leicester but would also open up new country for the Midland. The new route could also be built with easier gradients than those of the Leicester & Hitchin section so as to allow the more economical working of the heavy coal trains moving south. This plan was to be coupled with the widening of the main line itself between Rushton and Bedford. The proposals were put forward for the Session of 1872, but after an agreement with the Manchester, Sheffield & Lincolnshire Railway, which also had plans for the area, all

Midland schemes except that for the Nottingham & Saxby line were dropped for 1872.¹

Despite the various schemes for East Leicestershire, the Midland Board decided on 19 December 1871 that the main line between Trent and Leicester was already so crowded that immediate action was necessary. A second Up line should be built from the south end of Red Hill tunnel to the Humberstone Road bridge in Leicester. Instructions were given to Mr Charles Sandars of Derby, a Land Agent who regularly worked for the company, to deal with the land-purchase and for the Way & Works Department to prepare plans and put the work in hand. Planning was swift, for on 7 February 1872 the Board was able to instruct the Way & Works Committee to begin the actual construction.²

The purpose of the widening was simply to provide an additional goods line, and therefore no Parliamentary powers were required if all the land necessary could be obtained by private treaty. The matter was touched upon during the Committee Proceedings on the Great Northern's Leicester Line Bill of 1873, when John Fraser, the Engineer for the Great Northern scheme, commented: 'As to the doubling of the line from Trent to Leicester, the works have been going on for the last eighteen months, and no Act of Parliament has been obtained for it.'³ In fact, by this time the Midland had decided that it should take powers for the work, and authority was duly obtained under an 1873 Act. The widening thus authorized was the first major piece of quadrupling on the company's system. It began at Kent Street in Leicester, connecting with the existing goods lines round the back of the old Leicester station, and it extended to the south end of Red Hill tunnel, thus avoiding at this stage both a second tunnel and a new bridge over the Trent. A tour of the line was made by the Traffic Committee on 21/22 August 1873, as a result of which it was decided on 2 September that there should be two goods lines between Sibley and Leicester instead of the one proposed elsewhere.⁴

In the event, the company chose to lay two additional tracks throughout, and F.S. Williams tells us in his history of the Midland that the cost of the work, which included two substantial bridges over the Soar as well as some quite heavy earthworks, amounted to £20,000 a mile for the two tracks, as against an estimate of £9,000 a mile for the provision of the single additional track at first envisaged.⁵ The work, which was carried out by the company's own staff, seems to have proceeded smoothly enough, and the Trent to Hathern and Barrow to Cossington Gate sections were open by late 1873. It was expected that the Hathern to Barrow and Cossington Gate to Leicester sections would open in March 1874 (which was also the date set for the opening of the Knighton South to Wigston widening just south of Leicester).⁶ March may have been a little optimistic, for there is another Midland source which gives dates for the opening of the additional lines in Leicester itself as 12 July 1874 for the Up line and 4 October 1874 for the Down line.⁷

Under the Regulation of Railways Act 1871 the provisions of the 1842 Act of the same title respecting the opening of railways were extended to cover the opening of 'any additional line of railway, deviation line, station, junction, or crossing on the level which forms a portion of or is directly connected with a railway on which passengers are conveyed, and has been constructed subsequently to the inspection of such a railway on behalf of the board of trade previous to the original opening of such railway', the Act coming into force on 1 November 1871. In Leicester the new lines made no direct connection with lines used for passenger traffic, and therefore were not inspected. At Red Hill, however, it was necessary to form a junction with the two main lines. Following the normal procedure, the Midland approached the Board of Trade on 7 January 1873 for permission to use a new connection in the Up line at Red Hill, and on 9 January the Board of Trade appointed General Hutchinson as Inspector and notified the company, giving also the dispensation needed for the connection to be opened in advance of inspection, subject to any recom-

mendations that the Inspector might make being complied with. Hutchinson saw the works on 31 January and made one minor recommendation about the locking of points. He stated in his Report that as this was being complied with, he could formally recommend that permission to use the new work should be given, and permission was so given on 3 February.⁸ At the end of 1874 the same procedure was followed for the full junction, Hutchinson again being the Inspector.⁹

At one end of the line there was no necessity for the formal procedures to be complied with, and at the other end they were duly followed to the letter. But between Leicester and Red Hill lay the junction between the main line and the Syston & Peterborough branch. This was — and remains — a triangular junction, the north curve being used for goods traffic only. But the south curve was a normal mixed traffic railway, and after the building of the new goods lines it crossed them on the level in order to make its junction with the main lines between Leicester and the North. Such a level crossing is clearly covered by the wording of the 1871 legislation.

Through someone's oversight, one must assume, no inspection took place at Syston, and the Midland happily worked the new lines for the next eight years. Then the company found it necessary to undertake extensive alterations at Syston, and on 19 June 1882 details were sent to the Board of Trade for approval. Major Marindin was appointed Inspector, and he visited the site on 30 June. In his report Marindin pointed out that the Peterborough branch was crossed by the Up and Down goods lines and that he knew of no Parliamentary sanction for this arrangement.¹⁰ He thought it necessary for the company to take retrospective powers in the next Session for the works, and he considered that certain changes in the arrangements were required for safe working: the goods lines would have to be trapped, and there would have to be adjustments to the interlocking. Subject to receipt of an undertaking from the company that all this would be done, he felt that the layout might meanwhile continue to be used.

There was clearly a stir at Derby: on 6 July a letter was sent back to the Board of Trade signed not only by the General Manager, John Noble, but also by the Assistant General Manager, Richard Speight. These Officers maintained that the crossing had been sanctioned by the *Midland Railway (Additional Powers) Act 1873*, and that no further powers were necessary. The company would, of course, carry out the modifications recommended by the Inspector. There is no explanation of why the crossing, if properly authorized by the Act of 1873, was not duly inspected on installation under the terms of the Act of 1871. There is no reference to any earlier inspection, and indeed, if such an inspection had taken place, one would have expected the requirements concerning interlocking and trap-points to have been spelt out at that time.

The Board of Trade immediately considered its position, and it seems to have had some private doubts as to whether it had the power to insist on having an undertaking. Nevertheless, the Board's 'public' stance did not change, for in its reply to the Midland on 10 July it stated that it required an undertaking because the 1873 Act contained no express powers for the crossing of the branch on the level and that crossing had not been indicated, as it should have been, on the Parliamentary section (even though it was marked on the plan). It appeared that an important passenger branch had been crossed on the level for years without Board of Trade sanction. In the light of all this the Board was not prepared to allow the use of the Syston connections until an undertaking was given as required. It was noted that it was not until 1873 that Standing Orders required a report to the Board of Trade of any proposed railway level crossing — thus missing the Midland's Additional Powers Act in question by one Session.

The Midland was not disposed to argue further when it had become clear that the Board

of Trade was prepared to take a firm stand on the issue, and on 24 July Noble wrote again to the Board to say that the company would accede to what was required of it and giving his own undertaking. But this was not enough for the Railway Department, which replied to state that the undertaking must be under the Seal of the company and signed by both the Chairman and the Secretary as the Board of Trade had requested at the start. At its meeting on 2 August 1882 the Midland Board formally resolved that in order to satisfy the Board of Trade it would undertake to apply to Parliament in the Session of 1883 for powers to maintain level crossings of the Trent and Leicester widening over the Syston & Peterborough branch at Syston and that in the meantime an undertaking should be given in the form required.¹¹ On the same day Noble sent the undertaking, sealed and signed by M.W. Thompson and James Williams, to Whitehall, and receipt was acknowledged on 8 August.

The conclusion to this episode, which seems to involve a measure of error on the part of the company in the first instance, followed by an unwillingness to take the matter as seriously as the Board of Trade clearly did, is found in the *Midland Railway (Additional Powers) Act 1883*, in which Clause 19 reads: 'The construction by the Company of the Widening of their Trent and Leicester Railway across the level of their Syston and Peterborough Branch at or near Syston is hereby authorized and confirmed and the Company may maintain and use the said Widening and the said Branch as so constructed respectively.'

Notes

1. Public Record Office, Kew (hereafter PRO) RAIL 491/121 minute 8857
2. PRO RAIL 491/121 minutes 8862 and 8898
3. PRO RAIL 1066/1094 qn. 4650 of 31 March 1873
4. PRO RAIL 491/150 minute 18665
5. F.S. Williams, *The Midland Railway; its rise and progress*, 3rd edn, 1877, Bemrose & Co., London, p.394
6. Engineer's Report to Shareholders dated 14 February 1874
7. PRO RAIL 491/684 (207)
8. PRO MT6 96/18
9. PRO MT6 135/20
10. PRO MT6 314/5
11. PRO RAIL 491/24 minute 3065