CHAPTER lxxxiv.

An Act for conferring further Powers upon the Cheshire Lines Committee and upon the three Companies represented upon that Committee. [26th July 1889.]

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WHEREAS it is expedient that further powers be conferred upon the Cheshire Lines Committee incorporated by the Cheshire Lines Act 1867 and upon the three Companies represented upon that Committee and that the Committee be authorised to execute the work herein-after described and to enter upon use and hold the lands herein-after mentioned and shown on the deposited plans referred to in this Act for the purpose of that work and for the general purposes of their undertaking:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas a plan and section describing the line and levels of the work authorised by this Act and a book of reference to that plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands in the line of the proposed work or within the limits of deviation as defined on the plan and describing those lands have been deposited with the clerk of the peace for the county of Lancaster and are in this Act respectively referred to as the deposited plan section and book of reference:

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 Cheshire Lines Act 1889.

Incorporation of general Acts.

2. The following enactments (as far as the same respectively are applicable for the purposes of and not varied by or inconsistent with this Act) are hereby incorporated with this Act (namely):—

The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883:

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The provisions of the Companies Clauses Consolidation Act 1845 with respect to the matters following (that is to say) the distribution of the capital of the Company into shares the transfer or transmission of shares the payment of subscriptions and the means of enforcing the payment of calls the forfeiture of shares for non-payment of calls the remedies of creditors of the Company against the shareholders the borrowing of money by the Company on mortgage or bond the conversion of the borrowed money into capital the consolidation of the shares into stock the general meetings of the Company and the exercise of the right of voting by the shareholders the making of dividends the giving of notices and the affording access to the special Act by all parties interested:

The Railways Clauses Consolidation Act 1845:

Part I. of the Railways Clauses Act 1863 relating to the construction of a railway:

Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to cancellation and surrender of shares additional capital and debenture stock.

Interpretation.

3. In this Act—

"The Sheffield Company" means the Manchester Sheffield and Lincolnshire Railway Company:

"The Great Northern Company" means the Great Northern Railway Company:

"The Midland Company" means the Midland Railway Company:

"The three Companies" means the Manchester Sheffield and Lincolnshire Railway Company the Great Northern Railway Company and the Midland Railway Company:

"The Committee" means the Cheshire Lines Committee:

And the several words and expressions to which meanings are assigned in enactments incorporated with this Act or which have therein special meanings have in this Act the same respective meanings and in this Act and for the purposes of this Act in any enactments incorporated with this Act the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a common simple contract debt and not a debt or demand created by statute and the term "superior courts" shall include any court of competent jurisdiction The expressions "the railway" shall mean the widening of railway by this Act authorised "the promoters of the undertaking" and "the Company" shall mean and apply to the Committee.

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Power for Committee to make and maintain a new work.

4. Subject to the provisions of this Act the Committee may make and maintain in the line and according to the levels shown on the deposited plan and section the widening of railway hereinafter described with all proper stations sidings approaches roads works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plan and described in the deposited book of reference as may be required for that purpose The widening of railway herein-before referred to and authorised by this Act is :—

A widening alteration and improvement of so much of the Manchester Central Station Branch Railway of the Committee as lies between the westerly side of the bridge carrying that railway over a certain street or highway in the parish of Manchester in the county of Lancaster called or known as Deansgate and a point on that branch railway distant seven chains or thereabouts measured in a south-westerly direction from the south-west side of the bridge carrying that railway over a certain road or highway in the parish of Manchester aforesaid known as Cornbrook Road.

For the protection of the Manchester Ship Canal Company.

5. In carrying the railway and works by this Act authorised (herein-after referred to as "the railway") over the canals and through the lands and property belonging to or occupied by the Manchester Ship Canal Company (herein-after called "the Company") the following provisions for the protection of the Company shall (unless otherwise agreed on in writing between the Company and the Committee) apply to and be obligatory upon the Committee :—

(1.) The Committee shall carry the railway over the canals and through the lands and property belonging to or occupied by the Company by means of a viaduct upon girders in accordance with the provisions of this section and in the lines and according to a plan already agreed upon and signed by William George Scott on behalf of the Committee and Edward Leader Williams on behalf of the Company (and which said plan is herein-after referred to as the agreed plan) and according to the deposited sections and all the works of the railway so far as they are in and over the canals lands and property belonging to or occupied by the Company shall be constructed according to such plans sections and specifications as shall be previously submitted to and approved in writing by and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Company and the Committee shall pay the reasonable costs incurred by the Company in or about such superintendence or in or about inspection or approval of plans sections or specifications as aforesaid Pro-

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vided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:

(2.) The Committee shall after having entered upon any lands belonging to or occupied by the Company for the purpose of the construction or maintenance of the railway and works execute and finish the same with the utmost practicable despatch:

(3.) In constructing the said works the Committee shall not in any way interfere with the existing culvert carrying the water of the Cornbrook under the land No. 3 on the deposited plan nor with the existing overflow for conveying the water of the Cornbrook into the culvert under the Bridgewater Canal nor with any other culvert or any watercourse used by or belonging to the Company without the consent first obtained of the Company and then only in such manner as shall be approved by the Company:

(4.) The bridge for carrying the railway over Cornbrook Road No. 4 on the deposited plans shall be so constructed as to leave a clear available space of forty-five feet at the least measured at right angles with the face of the abutments and a clear headway under the said bridge for the whole width thereof of sixteen feet at the least and the foundations of the said bridge shall be so constructed as to allow of the road under and near the said bridge being at any time lowered four feet:

(5.) The bridge for carrying the railway over the Bridgewater Canal and towing path No. 25 on the deposited plan shall be constructed as shown on the agreed plan and such bridge shall be so constructed as to leave a clear available space of sixty feet at the least measured at right angles with the face of the abutments and the height of the underside of the girders over the Bridgewater Canal shall be twenty feet at the least above the top water level of that canal:

(6.) The bridge for carrying the railway over Hulme Hall Road No. 38 on the deposited plan shall be so constructed as to leave a clear available width of fifty feet at the least measured at right angles with the face of the abutments and the height of the underside of the girders over the said road shall be twenty feet at the least above the present level of the said road:

(7.) The abutments or piers on the westerly side of the bridge for carrying the railway over the Canal Locks No. 53 on the deposited plan shall be constructed and maintained parallel with and at the distance of thirteen feet from the westerly side

of the lock in such canal and eleven feet six inches from the easterly side of such lock and shall be placed in the positions and be of not less width than the dimensions shown in the agreed plan:

(8.) The railway extending from Egerton Street to Ivy Street in Manchester shall be constructed upon iron pillars and girders and the railway shall be so constructed as to leave open and unbuilt upon the whole of the land not required for the site of the said pillars as delineated on the agreed plan and so as to leave on the underside of every girder for the whole width thereof a clear headway of thirty-five feet at the least Provided that in constructing the said railway it shall not be lawful for the Committee to interfere except as is herein-after particularly mentioned with the warehouse No. 86 on the deposited plan now occupied by Messrs. Kenworthy & Company further or otherwise than shall be absolutely necessary for erecting the pillars shown on the agreed plan adjoining the westerly wall of such warehouse or for placing or fixing the iron pillars and girders and forming the railway over or through such warehouse and for making the entrance to the canal arm underneath the said warehouse as wide and convenient as at present or in any manner to interfere with the trade or business carried on at such warehouse and that during such time as it shall be absolutely necessary to interfere with such warehouse in order to place or fix such girders and form such viaduct or alter such entrance the Committee shall effectually protect the same so as to prevent injury thereto or to the contents thereof by water wind or dirt and after the railway shall be so formed will well and effectually make good the roof of the said warehouse up to and adjoining the railway and so construct the railway over the said warehouse as effectually to prevent the percolation of water into the said warehouse from any part of the railway and shall if required by the Company construct a tank over the remaining part of the said warehouse similar to that already existing on the southerly portion thereof And so much of the railway as extends from the branch canal and arms thereto No. 83 on the deposited plan to Ivy Street in Manchester aforesaid shall have a close parapet on the northerly side thereof of the height of eight feet at the least above the level of the rails Provided nevertheless that if at any time after the opening of the railway it shall be found that cinders sparks or other burning substance shall be thrown or fall from such railway or from any engine or carriage upon or passing along the same which in the opinion of the Company shall cause risk or danger of or from fire to any

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building or other property adjoining or near to such railway then and in such case the Committee shall at the request of the Company raise and maintain the said parapet to and of the height of fifteen feet at the least such additional height of parapet to be composed of such non-combustible materials as the Committee may from time to time think fit:

(9.) In constructing the railway over the branch canal and arms thereto No. 83 on the deposited plan it shall not except as shown on the agreed plan be lawful to place any pillar or other work therein either permanently or temporarily without the consent in writing of the Company or their principal engineer but such canal and the arms thereto shall except as aforesaid be at all times left wholly intact and uninterfered with by and in the construction and maintenance of the railway:

(10.) The footbridge over the entrance to the canal arm No. 79 on the deposited plan shall not be in any way interfered with:

(11.) The Committee shall before the present line of Duke Street Castle Field in Manchester shall be interrupted or interfered with make a new street or road in lieu of and not of less width than the existing road in the line shown on the agreed plan and shall properly and effectually form metal and pave the same to the reasonable satisfaction of the engineer for the time being of the Company:

(12.) All the lands and spaces between the abutments piers and pillars for carrying the railway over the lands and premises of the Company shall continue and be the absolute property of the Company and may be used and enjoyed by them accordingly subject only to any easement thereover which may be acquired by the Company under the provisions of this Act for the purpose of the construction and maintenance of the railway:

(13.) In order to prevent injury to the lands and property of the Company the Committee shall so make and construct and for ever thereafter maintain the railway through and over the lands and property of the Company as to make and at all times thereafter maintain the railway reasonably drop dry and prevent any water or dirt therefrom from flowing or passing into or upon the lands and property of the Company or any part or parts thereof respectively:

(14.) The Committee shall if and whenever required by the Company construct to the reasonable satisfaction of the principal engineer for the time being of the Company and for ever afterwards maintain in substantial condition and drop dry a roofing of iron and glass to cover the space between the said intended railway and the existing railway between the

wharf No. 78 on the deposited plan and the boundary of the Company's lands near Ivy Street aforesaid:

(15.) If in the construction of the said works or any of them it shall be found necessary to cross cut through stop or otherwise interfere with any street road footpath approach culvert or watercourse or to remove or interfere with any telegraph or telephone poles or wires belonging to or used by the Company the Committee shall before the commencement of any such operations construct and provide a substituted street road footpath approach culvert or watercourse or substituted telegraph or telephone posts or wires instead of and as convenient as those to be interfered with and to the reasonable satisfaction of the Company or their principal engineer for the time being:

(16.) It shall be lawful for the Company to inclose any land for the time being belonging to them under or below any bridge or viaduct forming part of or connected with the railway and if the Company think proper by erecting and maintaining under any one or more of such arches or girders over the same a wall or walls and to tie in any wall or walls which shall be so erected to any adjoining portion of any bridge or viaduct provided the same be so tied in as not in any manner to injure or endanger the stability of any such bridge or viaduct and that the work be in all respects executed to the reasonable satisfaction of the engineer for the time being of the Committee:

(17.) During the construction of the railway over the canals and through the lands and property of the Company the Committee will bear and on demand pay to the Company the expense of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching their said canals lands and property with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations of the Committee or from the acts or defaults of the contractors or of any person or persons in their employment or otherwise:

(18.) The Committee shall at all times maintain the viaduct bridges and other works by which the railway shall be so carried over the canals lands and property of the Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Company and if and whenever the Committee fail so to do the Company may make or do in and upon as well the lands of the Committee as their own lands such repairs and the sum from time to time certified by such engineer to be the reasonable amount of such

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expenditure shall be repaid to the Company by the Committee and in default of payment may be recovered by them from the Committee with full costs in any court of competent jurisdiction :

(19.) The Committee and their contractors agents servants or workmen shall not in constructing or repairing the railway and works over the canals lands and property belonging to or used by the Company obstruct impede or interfere with the free and uninterrupted and safe use of the canals or other works of the Company or any traffic thereon or if any such obstruction or interference shall be caused or take place contrary to this enactment the Committee shall pay to the Company all costs and expenses to which that Company may be put as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption such costs expenses and compensation to be recoverable with full costs by that Company in any court of competent jurisdiction :

(20.) Notwithstanding anything in this Act contained the Committee shall be responsible for and make good to the Company all costs losses damages and expenses which may be occasioned to that Company or to any of their canals works or property thereof or to the traffic thereon or otherwise by reason of the execution or failure of the railway or any of the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Committee will effectually indemnify and hold harmless the Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission :

(21.) The Committee shall not in any case without the previous consent in writing under the common seal of the Company take use enter upon or interfere with the canals works lands or property at any time belonging to or in the possession or under the power of the Company except only such part or parts thereof respectively as it shall be necessary for the Committee to take use enter upon or interfere with for making and maintaining the viaduct bridges and other works by which the railway is under the provisions of this Act as varied by this section to be carried across the canals works lands and property of the Company :

(22.) With respect to the canals works lands or property of the Company which the Committee are by this Act authorised to take use enter upon or interfere with the Committee shall not purchase and take the same but they may purchase and take

and the Company may and shall sell and grant accordingly an easement or right of using the same under and subject to the provisions of this section for the purposes for which but for this enactment the Committee might purchase and take the same:

(23.) If any question or difference shall at any time arise between the Committee and the Company touching any plans prepared by the Committee for the construction of any of the works herein-before provided or as to the reasonableness or sufficiency of such plans or works the same shall be settled and determined by the engineers of the Committee and the Company or failing agreement by an engineer to be appointed by the president for the time being of the Institute of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive:

(24.) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the Company otherwise than is herein expressly provided:

(25.) Whenever used in this section the word "lands" shall include canals docks basins quays wharves landing-places locks warehouses roads towing-paths and other conveniences connected therewith and the word "canals" shall include the Bridgewater Canal and other canals belonging to the Company and canal basins branch canals and locks and all works connected therewith.

For the protection of the Corporation of Manchester.

6. In executing the powers granted to the Committee with reference to the widening of the Manchester Central Station Branch Railway by this Act authorised the following provisions for the protection of the mayor aldermen and citizens of the city of Manchester herein-after referred to as "the Corporation" shall apply (that is to say):—

(1.) The construction of the new bridge carrying the said widening over Cornbrook Road shall be subject to the following provisions:—

(*a.*) The said bridge shall be a horizontal girder bridge and shall have a clear headway of not less than sixteen feet in any part thereof.

(*b.*) The width between the abutments of the said bridge shall not be less than forty-four feet measured at right angles to the abutments thereof in accordance with a plan to be agreed upon between the engineer of the Company and the engineer of the Corporation.

(*c.*) The said bridge shall be made and maintained as far as practicable drop dry at all times and the abutments thereof

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shall be lined with white glazed bricks and shall in all other respects be kept in complete repair.

(*d.*) The Committee shall provide on the westerly side of the said bridge a parapet of a height of not less than eight feet six inches above the level of the rails and shall continue the said parapet of the same height for a distance of twenty yards on each side of the said road.

(2.) The Committee shall construct the abutments for the purpose of such widening in such positions as not to interfere with the existing access from the end of Hulme Hall Lane to Woden Street Bridge and shall construct such piers or abutments in such positions as to allow of a carriage road of at least fifty feet in width hereafter being formed under the said widening and shall grant to the Corporation without charge the right of user of such roadway under the said bridge and any adjoining lands of the Cheshire Lines Committee.

(3.) The Committee shall not in the construction of the said widening either temporarily or permanently interfere with the River Medlock in such manner as to reduce its width or depth and all their works which interfere with the said river shall be constructed in accordance with plans approved by the engineer of the Corporation or in case of difference between the Corporation and the Committee by an engineer to be appointed by the president for the time being of the Institution of Civil Engineers.

(4.) If in the execution or by reason of the construction maintenance or repair of the said widening or the viaduct or other works connected therewith or any of them or by reason of any act or omission of the Committee their agents servants or workmen any stone brickwork materials or rubbish shall fall into or become or be deposited in the River Medlock the Committee shall from time to time forthwith remove and clear away the same at their own expense and in default of their so doing it shall be removed by the Corporation at the expense of the Committee.

(5.) The said widening shall be carried over Dawson Street by means of a bridge of the same height and span as that of the bridge carrying the existing railway of the Committee over that street.

(6.) All the piers or abutments and foundations of every bridge over every street in the said city shall extend and be made below the surface of the ground to such depth below the level of existing sewers as shall be necessary for the purpose of ensuring the permanent stability of the railway and shall be sufficient to allow the Corporation to make and con-

struct and repair or relay any sewers or drains and to lay deposit maintain and repair any water or gas mains or other pipes which under or by virtue of any Act of Parliament the Corporation are or may at any time hereafter be authorised to lay down construct and deposit The inside face of the piers or abutments of every bridge shall as far as practicable be lineable with the buildings on each side of the street and if there be no buildings then with the side of the street the Committee shall also provide a parapet of such height as the Corporation may reasonably require on any other part of the line within the said city where the same runs near to a public street.

(7.) No advertisements advertising boards or posters shall be placed on any of the bridges to be constructed under this Act crossing roads in the said city without the consent of the Corporation.

(8.) All buildings or works to be erected upon any land authorised to be acquired by the Committee and which shall abut upon or run alongside of any street in the said city shall be built or constructed according to a front elevation to the reasonable satisfaction of the Corporation or in case of difference to the reasonable satisfaction of a surveyor to be appointed by the Board of Trade on the application of either party.

(9.) The lamp pillars flags paving-stones kerbs grids sewers drains water gas and other pipes or apparatus under the control of the Corporation together with such portion of the road materials as the Corporation may think fit in any street which shall be stopped up or absorbed wholly or in part by the Committee under the powers of this Act shall remain and be the property of the said Corporation if they think fit to remove and take away the same.

(10.) The cost of constructing providing and laying any new sewers drains mains pipes or apparatus in substitution for those which may be rendered useless by such alteration shall be repaid to the Corporation by the Committee on demand.

(11.) Whenever in execution of the powers in this Act contained it shall be necessary to alter or interfere with any of the sewers or drains or any of the gas water or other mains or pipes or apparatus belonging to the Corporation such alteration or interference shall be carried out by and under the direction of the said Corporation but at the expense in all respects of the said Committee.

(12.) The Committee shall not without the consent of the Corporation in any part or to any extent whatever stop up obstruct

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or interfere with any public street road or footpath in the city of Manchester.

For the protection of trustees of the Duke of Bridgewater.

7. In constructing the railway and works by this Act authorised (herein-after referred to as "the railway") so far as they shall be over the canal arms and through the lands and property of the trustees for the time being under the will of the Most Noble Francis late Duke of Bridgewater (herein-after called "the Trustees") the following provisions shall apply and be obligatory on the Committee videlicet:—

(1.) The railway shall be constructed in the lines and according to a plan already agreed upon and signed by William George Scott on behalf of the Committee and Thomas Berry on behalf of the Trustees (and which said plan is herein-after referred to as "the agreed plan") and all works of the railway shall be constructed to the reasonable satisfaction of the engineer for the time being of the Trustees.

(2.) In constructing the railway the road belonging to the Trustees No. 73 on the deposited plan shall not be in any way obstructed or interfered with.

(3.) The railway extending from Egerton Street aforesaid to the canal arm No. 79 on the deposited plan shall be constructed upon brick arches except between the canal arms shown on the agreed plan where it shall be constructed upon iron pillars and so as to leave open and unbuilt upon the whole of the land not required for the site of the said piers and pillars as shown on the agreed plan and so as to leave on the underside of every girder for the whole width thereof a clear headway of 35 feet at the least and the piers of all the arches shall if the Trustees so require be constructed with openings of not less than 9 feet wide and of the clear height above the surface of the ground of not less than 10 feet so as to form free passages between the adjoining arches.

(4.) In constructing the railway over the canal arm No. 77 on the deposited plan it shall not except as shown on the agreed plan be lawful to place any pillar or other work therein either permanently or temporarily without the consent in writing of the Trustees or their principal agent but such canal arm shall except as aforesaid be at all times left wholly intact and uninterfered with.

(5.) The Committee shall so make and construct and for ever thereafter maintain the railway over the said canal arms and through the lands and property of the Trustees as to be at all times thereafter as far as practicable drop dry.

(6.) The Committee shall if required by the Trustees construct and afterwards maintain to the reasonable satisfaction of the

engineer for the time being of the Trustees a drop dry roof of iron and glass to cover any spaces which may after the construction of the railway remain and be between the said intended railway and the existing railway.

(7.) The Trustees may inclose any land for the time being belonging to them under any bridge or viaduct forming part of the railway by erecting and maintaining a wall or walls under any arch or girder over the same and may tie in any such wall or walls to any adjoining portion of any bridge or viaduct provided the same be so tied in as not in any manner to injure or endanger the stability of any such bridge or viaduct and that the work be in all respects executed to the reasonable satisfaction and under the superintendence of the engineer for the time being of the Committee.

(8.) The railway and works shall be constructed and maintained so that th canal arms and the traffic and business thereon and on the lands of the Trustees shall not be in any wise impeded or interfered with and such maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the Trustees and in all things at the expense of the Committee.

(9.) If by reason of the construction or maintenance of the railway and works or any of them or of the failure of any of the works or of the maintenance thereof or otherwise the said canal arms or the works and lands connected therewith or any property thereon shall be injured or the traffic or business thereon impeded or interrupted the Committee shall compensate the Trustees for all costs and damages which they may sustain or be put to by reason or in consequence of any such injury impediment or interruption which costs and damages may be recovered by the Trustees in any court of competent jurisdiction.

(10.) The Committee shall not acquire any estate or interest in the canal arms works lands or property of the Trustees other than an easement or right of constructing over such canal arms and works and through such lands and property and maintaining the works by this Act authorised according to the agreed plan and to the provisions of this section.

(11.) The Committee shall make and at all times during the construction of the railway over the said canal arms and through the lands and property of the Trustees maintain such unclimbable fences as shall be reasonably required by the Trustees for separating any lands belonging to the Trustees from time to time occupied by the Committee for the purposes of the construction of the railway from the lands of the Trustees not so

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occupied and protecting such last-mentioned lands from trespass together with all necessary gates therein.

(12.) If any question or difference shall at any time arise between the Committee and the Trustees touching the construction and maintenance of any of the works herein-before provided for the same shall be settled and determined by the engineers of the Committee and the Trustees or failing agreement by an engineer to be appointed by the president for the time being of the Institute of Civil Engineers on the application of either party and the decision of such last-named engineer shall be final and conclusive.

(13.) Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the Trustees otherwise than is herein expressly provided.

For the protection of the Manchester South Junction and Altrincham Railway Company.

8. The following provisions for the protection of the Manchester South Junction and Altrincham Railway Company (herein-after referred to as "the South Junction Company") shall apply and have effect:—

1. The bridge by which the widening by this Act authorised shall be carried over the main line of the South Junction Railway at Castlefield shall be constructed with perpendicular piers erected on each side of the said main line and in such manner as to leave a clear space between such piers of 54 feet measured at right angles to the said main line and a clear headway for the whole of that space of 15 feet at least above the level of the rails of the said main line and such piers shall be placed in such a position as the engineers for the time being of the South Junction Company shall require.
2. The works to be constructed under the powers of this Act shall not be at any time erected or placed nearer than 2 feet to any viaduct bridge retaining wall or other the works of the South Junction Railway without the consent of the South Junction Company under their corporate seal.
3. The Committee shall not purchase or take any of the lands or works of the South Junction Company but the Committee may purchase and take and that Company shall and may sell and grant an easement or right of using the same for the purposes for which the Committee might otherwise have purchased and taken the same.
4. It shall not be lawful for the Committee or their contractors agents servants or workmen in constructing the works by this Act authorised to obstruct or impede the traffic of the South Junction Railway or to prevent or impede the convenient passage of engines carriages or waggons to from or

along the same And if such traffic or such passage of engines carriages and waggons be obstructed or impeded the Committee shall forfeit and pay to the South Junction Company the sum of twenty pounds an hour by way of ascertained damages for every hour during which such obstruction shall continue.

5. The Committee shall be responsible for and make good to the South Junction Company all costs losses damages and expenses to be sustained by them by reason of any damage to be occasioned to their railway works or property or to the traffic thereon or otherwise by reason of the execution or defect in execution whether by the Committee or their contractors agents workmen or servants of the powers of this Act and shall indemnify the South Junction Company from all claims and demands upon or against them by reason of any such execution or default therein or arising therefrom.

6. The Committee shall pay to the South Junction Company on demand the expense of the employment by them of such inspectors and watchmen as the last-mentioned Company may consider necessary for watching the construction of the works by this Act authorised so far as the same affected the said last-mentioned Company and preventing as far as may be interference obstruction danger and accident to arise whether from the operations of the Committee or from acts or defaults of their contractors agents workmen or servants or otherwise.

7. Except as expressly provided in this Act nothing herein contained or authorised shall take away diminish alter or prejudice any of the rights interests powers privileges or authorities of the South Junction Company.

Restriction on displacing persons of labouring class.

9. (1.) The Committee shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until :—

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

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in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

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

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

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

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

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

(5.) If the Committee acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court of Justice and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

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

Health Act 1875 and the scheme were one of the purposes of that Act.

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

Provided that all lands on which any buildings have been erected or provided by the Committee in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

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

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

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

(11.) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for

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wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands.

10. The powers of the Committee for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

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

Power to take easements &c. by agreement.

12. 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 Committee any easement right or privilege not being an easement of water 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 widening of railway opened.

13. If the Committee fail within the period limited by this Act to complete the widening of railway the Committee shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the same is completed and opened for public traffic or until the sum in respect of such penalty amounts to five per cent. on the estimated cost of the works 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 to 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 Supreme Court of Judicature in England in the bank specified in such warrant or order and shall not be paid thereout except as

herein-after provided but no penalty shall accrue in respect of which it shall appear by a certificate to be obtained from the Board of Trade that the Committee was prevented from completing or opening such line 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.

Providing for application of penalty.

14. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the widening of railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of that widening of railway conferred upon the Committee and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in England may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Committee is insolvent or has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Committee or be otherwise applied as part of the assets of the Committee for the benefit of the creditors thereof.

Application of capital by Committee.

15. The Committee may apply for the purposes of this Act to which capital is properly applicable any moneys under their control or at their disposal and which are not required by them for the purposes for which the same were authorised to be raised.

Power for Sheffield Company to apply authorised capital.

16. The Sheffield Company may from time to time apply towards the execution of the purposes of this Act and for the general purposes of the undertaking of the Committee any money which they are for the time being independently of this Act autho-

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rised to raise and which is not required for the purposes for which it was authorised to be raised.

Power for Sheffield Company to raise additional share capital.

17. In addition to such share capital as the Sheffield Company are for the time being independently of this Act authorised to raise they may from time to time by virtue and for the purposes of this Act and for the general purposes of the undertaking of the Committee raise such sums as they think requisite not exceeding in the whole the sum of one hundred thousand pounds.

Mode of raising additional share capital.

18. The additional share capital by this Act authorised to be raised by the Sheffield Company shall be raised by the creation and issue of new shares or new stock ordinary or preference or partly ordinary and partly preference as that company from time to time think fit.

New shares to be subject to same provisions as shares existing.

19. Except as by this Act is otherwise provided the additional share capital to be created by the Sheffield Company under this Act and the shares therein and the holders of those shares respectively shall be entitled and subject to the same powers rights privileges and liabilities in all respects as if that new capital were part of the ordinary share capital of that company existing at the passing of this Act and those shares were shares in that ordinary capital.

Power to Sheffield Company to borrow.

20. In addition to any sum which the Sheffield Company are for the time being independently of this Act authorised to raise by mortgage they may from time to time borrow on mortgage of their undertaking any sums not exceeding in the whole the sum of thirty-three thousand pounds.

Great Northern Company may apply their funds towards purposes of Act and may raise additional capital.

21. The Great Northern Company may apply to the purposes of this Act to which capital is properly applicable 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 that company may for the purposes of this Act and for the general purposes of the undertaking of the Committee from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any additional sum or sums not exceeding in the whole one hundred thousand pounds by the 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 methods respectively which shares or stocks shall form part of the general capital of the Great Northern Company.

Shares or stock not to vest until one fifth part paid up.

22. The Great Northern Company shall not issue any share or stock created under the authority of this Act nor shall any such share or stock vest in the person accepting the same unless and

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

Votes in respect of new shares.

23. The Great Northern Company may from time to time if they think fit attach to all or any new shares or any class of new shares created under the powers of this Act any total or partial permanent or temporary restriction of the rights of voting and other qualifications of the holders thereof.

Shares of same class to have like privileges.

24. All shares of the same class created by the Great Northern Company under this Act shall confer like privileges and shall bear like dividends or interest and be subject to like restrictions (if any).

Power to Great Northern Company to raise capital under any other Act and this Act by new shares of one class.

25. If by any other Act passed in the present session of Parliament whether before or after the passing of this Act the Great Northern Company be authorised to raise any capital by new shares then subject to the provisions of the other Act and this Act respectively that Company if they think fit may raise by the creation and issue of new shares of one and the same class all or any part of the aggregate capital which they are by the other Act and this Act respectively authorised to raise by the creation and issue of new shares.

Power to Great Northern Company to borrow.

26. The Great Northern Company may from time to time under the powers of this Act borrow any additional sum of money not exceeding thirty-three thousand pounds either by mortgage of their undertaking or by the issue of debenture stock.

Power to Midland Company to create new capital.

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

Votes in respect of new shares or stock.

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

Shares or stock of same class to have like privileges.

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

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Vesting of new shares or stock.

30. Subject to the provisions of this Act all new shares or stock created by the Midland Company under this Act shall vest in and belong to such of the then holders of shares or stock in that company as shall accept the same and pay the first instalment on the shares or the amount of the stock at the time which shall be fixed by the directors and specified in the letter offering the new shares or stock.

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

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

Qualification of new shares or stock.

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

Saving rights of existing preference shareholders.

33. This Act or anything therein contained shall not prejudice or affect any preference or priority in the payment of interest or dividend on any other shares or stock which shall have been granted by the Midland Company in pursuance of or which may have been confirmed by any previous Act of Parliament or which may otherwise be lawfully subsisting or any dividend on any Midland Railway debenture stock.

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

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

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

Power to Midland Company to borrow.

35. The Midland Company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking for the purposes of this Act and for the general purposes of the undertaking of the Committee any sum not exceeding in the whole thirty-three thousand pounds.

Shares not to vest until one fifth part paid up.

36. The three companies respectively 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 up in respect thereof.

Restriction on borrowing powers.

37. The three companies respectively shall not borrow any money under this Act until shares for so much of their respective additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and they respectively 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 so much of such capital as is to be raised by means of shares 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 on each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the three companies respectively have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same Upon production to such justice of the books of the three companies respectively and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid in reference to such capital has been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

38. All mortgages granted by the three companies respectively before the passing of this Act shall during their continuance but subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgage granted by them respectively by virtue of this Act and nothing in this section

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contained shall affect any priority of the interest of any debenture stock at any time created and issued by the three companies respectively.

Repealing provisions of former Acts with respect to appointment of a receiver.

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

Appointment of receiver.

40. The mortgagees of each of the three companies may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Power to create and issue debenture stock.

41. The three companies respectively 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 by the three companies respectively shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the three companies respectively and shall have priority over all principal moneys secured by such mortgages.

Application of money.

42. All money raised by the three companies respectively under this Act by shares or stock or by borrowing or by debenture stock shall be applied to the purposes of this Act and to the general purposes of the undertaking of the Committee being in all cases purposes to which capital is properly applicable and not otherwise.

Widening of railway to be part of undertaking of Committee.

43. The Committee may demand and receive for and in respect of the widening of railway hereby authorised the same tolls and charges as they are now empowered to receive in respect of their existing undertaking and the widening of railway shall in all respects be part of the undertaking of the Committee.

Interest not to be paid on calls paid up.

44. No interest or dividend shall be paid out of any share or loan capital which the three companies respectively are by this or any other Act authorised to raise to any shareholder on the amount

of the calls made in respect of the shares held by him but this Act shall not prevent any company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

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

45. The three companies respectively shall not out of 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.

Provision as to general Railway Acts.

46. Nothing in this Act shall exempt the Committee or the widening of railway by this Act authorised 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 rates for small parcels.

Expenses of Act.

47. The costs charges and expenses preliminary to and of and incidental to the preparing of applying for and obtaining and passing of this Act shall be paid by the Committee.

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