CHAPTER clxiii.

An Act to authorise the Lancashire Derbyshire and East Coast Railway Company to divert portions of their authorised railways and make other works in the county of Derby and for other purposes. [27th July 1893.] A.D. 1893.

WHEREAS by the Lancashire Derbyshire and East Coast Railway Act 1891 (herein-after called "the Act of 1891") the Lancashire Derbyshire and East Coast Railway Company (herein-after called "the Company") were incorporated and authorised to construct a railway from the Manchester Ship Canal at Warrington to Sutton-on-Sea on the coast of Lincolnshire and the powers of the Newark and Ollerton Railway Company were transferred to and vested in the Company:

And whereas by the Lancashire Derbyshire and East Coast Railway Act 1892 (herein-after called "the Act of 1892") the Company were authorised to construct branch railways and other works and to acquire the undertaking of the North Sea Fisheries (East Lincolnshire) Harbour and Dock Company:

And whereas it is expedient that the Company be authorised to divert portions of the railways authorised by the Act of 1891 and to make the other works herein-after described:

And whereas the estimated cost of the deviation railways and works authorised by this Act is less in amount than the estimated cost of the portions of railway for which such deviations are substituted and it is expedient that the Company be empowered to apply a portion of their capital to the purposes of such first-mentioned railways and works:

And whereas it is expedient to increase the number of the directors of the Company:

And whereas it is expedient that the time limited by the Act of 1891 for purchasing land for and completing so much of the Newark

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and Ollerton Railway as was not abandoned by that Act should be extended:

And whereas it is expedient to authorise owners of settled estates trustees guardians for minors and other persons under any disability (herein-after referred to as "limited owners") any part of whose lands may be required for the purposes of the railways of the Company to accept and hold shares in the capital of the Company for the whole or any part of the amount payable to them respectively as purchase money in respect of such lands and as compensation for severance or other damage thereto:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Derby and are herein-after referred to as the deposited plans sections and books of reference:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Lancashire Derbyshire and East Coast Railway Act 1893.

Incorporation of Acts.

2. The following Acts and parts or provisions of Acts are (so far as the same are applicable and except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts;

The Railways Clauses Consolidation Act 1845;

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

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act

wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1893.

Power to make railways and works.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways and works in the county of Derby herein-after respectively described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways and works herein-before referred to and authorised by this Act are as follows :—

(1.) A railway seven furlongs 2·8 chains in length (to be called the Chesterfield Deviation) being a deviation of a portion of Railway No 9 authorised by the Act of 1891 such deviation commencing in the parish of Hasland by a junction with the said authorised Railway No. 9 at a point marked and measured two furlongs 7·2 chains from the commencement of that authorised railway as shown on the plans thereof deposited with the clerk of the peace for the county of Derby in the month of November 1890 and terminating in the said parish of Hasland at a point on the same authorised railway one mile two furlongs and 3·3 chains from the commencement thereof as marked and measured on the plans deposited as aforesaid;

(2.) A railway five miles two furlongs in length (to be called the Bolsover Deviation) being a deviation of a portion of Railway No. 9 authorised by the Act of 1891 such deviation commencing in the parish of Sutton-cum-Duckmanton by a junction with the said authorised Railway No. 9 at a point distant fifty yards or thereabouts measured along the centre line of the said authorised railway as staked out from the point where that authorised railway crosses Longcourse Lane and terminating in the parish of Upper Langwith at a point nine miles one furlong nine chains from the commencement of the said authorised Railway No. 9 as marked and measured on the plans thereof deposited with the clerk of the peace for the county of Derby in the month of November 1890;

(3.) A railway one mile four furlongs 7·9 chains in length (to be called the Markham Colliery Branch Deviation) commencing

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in the parish of Sutton-cum-Duckmanton by a junction with the Bolsover deviation lastly before described in the field numbered 481 on the 25-inch Ordnance map at a point three hundred and twenty-five yards or thereabouts measuring along the southern fence of the said field from the goit at the south-east corner thereof and thence measuring in a northerly direction fifteen yards or thereabouts from such fence and terminating in the same parish in the field numbered 106 on the 25-inch Ordnance map at a point one hundred and twelve yards or thereabouts measuring due south from the southernmost corner of the signal box on the Midland Railway near the junction of the sidings leading to Markham Colliery ;

(3A.) A railway five furlongs 3·1 chains in length (to be called the Bolsover Colliery Branch Deviation) commencing in the parish of Sutton-cum-Duckmanton by a junction with the deviation railway lastly before described in the field numbered 431 on the 25-inch Ordnance map at a point one hundred and seventy yards or thereabouts measured due south from the centre of the bridge carrying Buttermilk Lane over the River Doe Lea and terminating in the parish of Bolsover in the field numbered 577 on the 25-inch Ordnance map at a point one hundred and seventy yards or thereabouts measuring in a north-easterly direction from the south-west corner and one hundred and twenty yards or thereabouts measuring in a south-easterly direction from the southernmost corner of the ruins of Sutton Mill ;

(4.) A deviation or straightening of the River Rother for a distance of two hundred and fifty yards or thereabouts in continuation of the diversion of the same river by the Manchester Sheffield and Lincolnshire Railway Company such deviation or straightening commencing in the parish of Beighton at a point in the field numbered 632 on the 25-inch Ordnance map at the eastern end of the existing diversion under the Manchester Sheffield and Lincolnshire Railway and terminating in the parish of Killamarsh in the field numbered 24 on the said Ordnance map at a point twenty yards or thereabouts from the north-west corner of the said field measuring along the bank of the river in a south-easterly direction.

Inclination of road.

5. In altering for the purposes of this Act the road next herein-after mentioned the Company may make the same of any

inclination not steeper than the inclination herein-after mentioned in connection therewith (that is to say) :— A.D. 1893.

No. on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
		Bolsover Deviation.	
12	Upper Langwith - -	Public - - -	1 in 18

Power to stop up footpaths and make new footpath.

6. Subject to the provisions of this Act the Company may in the lines shown on the deposited plans make the new footpath and stop up portions of the existing footpaths herein-after described and may exercise the other powers herein-after mentioned and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes of the said footpath (that is to say) :—

(A.) They may stop up and discontinue so much of the footpath in the parish of Hasland in the county of Derby leading from Derby Road to Boythorpe Colliery as lies between a point due south of Ashmore House and the point where the said footpath crosses the Boythorpe incline and may make a new footpath between the aforesaid points;

(B.) They may stop up and discontinue the footpath in the parish of Sutton-cum-Duckmanton in the county of Derby leading from Deepsick Lane to the public road at Moortop Stud Farm;

(C.) They may stop up and discontinue the footpath in the parish of Clowne in the county of Derby leading from the north-west corner of the rectory grounds to the Midland Railway Station.

Footpath not to be stopped up until new footpath completed.

7. The Company shall not stop up any portion of the first-mentioned footpath in the parish of Hasland until they have completed to the satisfaction of two justices and opened to the public the new or diverted footpath by this Act authorised to be made in lieu of the portion of footpath to be stopped up.

Provision for repair of new footpath.

8. The new portion of footpath to be made under the authority of this Act shall when made and completed from time to time be subject to the provisions of section 46 of the Railways Clauses Consolidation Act 1845 repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other footpaths within the same parish or district in which such new footpath will be situate are from time to time liable to be repaired or maintained.

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Extinguishment of rights of way.

9. All rights of way over or along the footpaths or portions thereof which shall under the provisions of this Act be stopped up and discontinued and over any of the lands which shall be acquired compulsorily under the powers of this Act shall be and the same are as from the stopping up or acquisition thereof respectively by this Act extinguished.

Vesting in Company site and soil of portions of footpaths stopped up.

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

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

11. Notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the property numbered 5 on the deposited plans in the parish of Bolsover and whereof a part only is required for the purposes of the Bolsover Colliery Branch Deviation herein-before described may if such portion can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such property without material detriment thereto be required to sell and convey to the Company the portion only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portion required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Lands for extraordinary purposes.

12. The quantity of land to be purchased by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed five acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being created or permitted by them upon any land purchased under the powers of this section.

Period for compulsory purchase of lands.

13. The powers of the Company 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.

Power to take easements &c. by agreement.

14. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water) required for the purposes of this Act in under 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.

Owners may be required to grant easements only under certain lands.

15. Where any part of the railways by this Act authorised is to be constructed in tunnel and the crown of the arch of the tunnel shall be at a depth of at least forty feet below the surface of any lands shown on the deposited plans the Company shall not be required wholly to take such lands or any part of the surface thereof but they may purchase take and use and the owners of and other persons interested in such lands shall sell and grant an easement or right of using the subsoil or under surface thereof for the purposes for which but for this enactment they might have been required to sell the same and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such subsoil easement or right of user but nothing in this section contained nor any dealing with lands in pursuance of this section shall relieve the Company from liability to compensation under the sixty-eighth section of the Lands Clauses Consolidation Act 1845 and every case of compensation under this section shall in case of dispute be ascertained according to the provisions of the Lands Clauses Acts.

Running powers to Great Eastern Railway Company.

16. The Great Eastern Railway Company shall have the right to run over and use the deviation railways and other works authorised by this Act and may exercise the same powers and privileges with regard thereto as are conferred on that Company by the agreement dated the twenty-fourth day of April one thousand eight hundred and ninety-one set forth in the Second Schedule to the Act of 1891 and made between the Great Eastern Railway Company of the one part and William Arkwright and William Bromley-Davenport on behalf of the Company of the other part in the same manner as if the deviation railways and other works by this Act authorised had been authorised by the Act of 1891 and were part of the railways mentioned in the said agreement.

For the protection of the Corporation of Chesterfield.

17. For the protection of the mayor aldermen and burgesses of the borough of Chesterfield (herein-after in this section called "the

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corporation") the following provisions shall unless otherwise agreed between the corporation and the Company have effect (that is to say):—

(1.) If and when the Company shall acquire the Horns Meadow or any part thereof adjoining the public road in the South Ward of the said borough known as Derby Road and situate southward of the bridge carrying the said road over the River Hipper the corporation shall have the option of purchasing from the Company for the purpose of widening Derby Road and at the like price per yard as the Company shall have paid for the same such portion of the Horns Meadow then belonging to the Company as the corporation shall by notice in writing to the Company require of a width not exceeding twenty feet from the present boundary fence thereof adjoining the said road But the Company shall be at liberty to serve upon the corporation a notice in writing requiring them to state whether or not they intend to exercise such option and if within twenty-one days after the service thereof the corporation shall have failed to state in writing that they intend to purchase such land the Company shall be relieved from the provisions of this sub-section;

Immediately upon acquiring the said land the corporation shall proceed to widen the road to the full extent of the land purchased otherwise the Company shall be at liberty themselves to enter upon the said land and metal and curb and throw the same into the adjoining highway and the amount expended by them in so doing shall be repayable to the Company by the corporation;

(2.) The bridge or viaduct to be constructed by the Company for carrying the railway over the said Derby Road and over the public road in the said ward known as Hasland Road shall be constructed in accordance with a plan and elevation which has been agreed upon and signed by Walter Stanton surveyor on behalf of the corporation and Robert Elliott Cooper engineer of the Company;

(3.) The said bridge or viaduct shall be constructed and maintained so as to prevent so far as reasonably practicable the dripping of water therefrom on to any part of the road or the footways thereunder;

(4.) The Company shall not fix or exhibit or permit to be affixed or exhibited upon the said bridge or the parapets thereof any placards or advertisements except only such as relate to the business of the Company;

(5.) The Company shall at all times maintain the bridge or viaduct over the said roads and the substructure thereof in good order to the reasonable satisfaction in all respects of the surveyor for the time being of the said borough;

(6.) Whenever it may be necessary to interrupt or interfere with any existing sewer or drain of the corporation the Company shall previously to any such interruption or interference construct to the satisfaction of the corporation another sewer or drain with all necessary manholes and lampholes in lieu of and of equal capacity to the sewer or drain so proposed to be interrupted or interfered with and such substituted sewer or drain shall be connected by and at the expense of the Company with the existing sewer or drain to the reasonable satisfaction of the corporation and before interrupting or interfering with any existing sewer or drain the Company shall give to the corporation seven days' notice thereof in writing;

(7.) If by reason of the execution of any of the works by this Act authorised within the said borough the corporation shall necessarily incur any expense in altering any existing sewer or drain or any manhole or lamphole connected therewith the Company shall repay such expense to the corporation and where the level of any road or land in the said borough in which there is any existing manhole or lamphole connected with any sewer shall be raised such existing manhole or lamphole shall be brought up to the level of such road or land by the Company when the level thereof is raised;

(8.) The Company shall from time to time and at all times during the construction and after the completion of their works within the said borough allow the corporation and their officers and servants access to any sewer or drain or any manholes or lampholes connected therewith vested in the corporation in or under any land or works of the Company for the purpose of inspecting or repairing the same or connecting any new sewer or drain with an existing sewer or drain subject to such reasonable regulations as the Company may prescribe for preventing injury to and interference with the railway and works of the Company or the traffic thereon;

(9.) All works to be made and executed by the Company in pursuance of the provisions of this section shall be made and executed by them at their sole costs and expenses in all respects and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the said borough and according to plans and specifications to be previously submitted

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to and reasonably approved of by him before the works are respectively commenced;

(10.) If any difference arise between the corporation and the Company touching anything to be or not to be done under this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference and his decision shall be binding on both parties and the costs of the arbitration shall be borne as he shall direct.

For protection of the Midland Railway Company.

18. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the Chesterfield Deviation and for the purposes of the Bolsover Deviation hereby authorised and with respect to the making and maintaining of those deviation railways shall unless with the previous consent of the Midland Railway Company (herein-after called "the Midland Company") in writing under their common seal be exercised only subject to and in accordance with the following provisions:—

(1.) The Company shall not without in every case the previous consent of the Midland Company in writing under their common seal take use enter upon or interfere with any land railway siding or other work from time to time belonging to or worked by that Company except only so far as shall be necessary for the purpose of making and maintaining the said deviation railways as the same are according to this Act to be constructed;

(2.) With respect to any land of the Midland Company which the Company is by this Act authorised to use enter upon or interfere with the Company shall not without such consent as aforesaid purchase or take the same but the Company may purchase and take and the Midland Company shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same;

(3.) The bridge carrying the Chesterfield Deviation Railway over the main line of the Midland Railway near Chesterfield shall be constructed with a clear span measured on the square of not less than one hundred and fifteen feet with a clear headway throughout of not less than fourteen feet six inches and in constructing the said bridge the Company shall not deviate from the centre line of the said deviation railway as delineated on the plans deposited for the purposes of this Act without the consent in writing of the Midland Company;

(4.) The bridge carrying the Bolsover Deviation Railway over the Midland Company's Doe Lea Extension Deviation Railway shall be constructed with an arch or opening of not less than twenty-eight feet span measured on the square with a clear headway throughout of not less than fourteen feet six inches;

(5.) The crossings of the respective deviation railways over the Midland Company's railways shall be effected in such manner and according to such mode of construction as shall be reasonably approved of by the principal engineer for the time being of the Midland Company or in case of difference as shall be determined by arbitration as herein-after provided;

(6.) The said respective deviation railways where the same will be made upon or across or will otherwise interfere with any railway siding or other work belonging to or worked by the Midland Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be previously approved by the principal engineer for the time being of the Midland Company who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided;

(7.) The Company shall take all necessary and proper precautions in the execution of their works to prevent any interference with the free uninterrupted and safe use in the ordinary manner and at the ordinary rate of speed of any railway siding or other work belonging to the Midland Company;

(8.) The Company shall bear and on demand pay to the Midland Company the expense of the employment by that Company during the execution of any work affecting any railway siding or other work of that Company of a sufficient number of inspectors watchmen and signalmen to be appointed by that Company for watching and signalling the same with reference to and during the execution of any such work of the Company and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Company or their contractors or any person in the employ of the Company or of their contractors with reference thereto or otherwise;

(9.) If by reason of the execution of any of the works or any proceedings of the Company or the failure of any such works or any act or omission of the Company or of their contractors or of any person in the employ of the Company or of their

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contractors or otherwise any railway siding or other work of the Midland Company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failing so to do then the Midland Company may make good the same and recover the expense thereof with full costs against the Company in any court of competent jurisdiction And if any interruption shall be occasioned to the traffic of or upon any such railway siding or other work of the Midland Company by reason of any of the matters or causes aforesaid the Company shall pay to the Midland Company all costs and expenses to which that Company may be put as well as full compensation to be recoverable with full costs by that Company from the Company in any court of competent jurisdiction :

(10.) The Company shall at all times maintain the bridges arches openings or other works by which their railway is carried over the railways sidings or other works of the Midland Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of that Company And if and whenever the Company fail so to do the Midland Company may make and do in and upon as well the lands of the Company as their own lands all such works and things as that Company reasonably think requisite in that behalf and the sum from time to time certified by their engineer to be the reasonable amount of such their expenditure shall be repaid to them by the Company and in default of full repayment may be recovered with full costs by the Midland Company from the Company in any court of competent jurisdiction ;

(11.) If in the opinion of the Midland Company or in case of difference between them and the Company of an arbitrator to be appointed as herein-after provided it shall be necessary for the Midland Company to purchase or pay compensation for any minerals required to be left unworked for the protection and safety of any works constructed under the powers of this Act or for any additional minerals beyond those which but for this Act would have been required to be so left unworked then the Company shall on demand pay to the Midland Company all costs and expenses incurred by them in relation to any such purchase or payment of compensation and the amount of such costs and expenses or as the case may be the amount of the additional costs and expenses shall in case of difference be determined by arbitration as herein-after provided ;

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(12.) If the Midland Company shall at any time hereafter be desirous for the purpose of forming branches or sidings to any existing or intended collieries works or manufactories of constructing bridges under or over the said railways by this Act authorised the Company shall afford to the Midland Company all reasonable and proper facilities for the construction of such bridges according to plans to be agreed between the principal engineers of the two companies for the time being or in case of difference to be determined by arbitration as herein-after provided;

(13.) If any difference shall arise between the Company and the Midland Company as to the true intent and meaning of this enactment or the mode of giving effect thereto the same shall be from time to time determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

For the protection of the Manchester Sheffield and Lincolnshire Railway Company.

19. In carrying the Chesterfield Deviation Railway by this Act authorised over the railway of the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Sheffield Company") now in course of construction in the parish of Chesterfield in the county of Derby and over Railway No. 1 authorised by the Sheffield Company's Act of 1893 the following provisions for the protection of the Sheffield Company shall unless otherwise agreed in writing between the Sheffield Company and the Company apply to and be obligatory upon the Company:—

(1.) The Company shall carry the Chesterfield Deviation Railway over the railway of the Sheffield Company at the crossing thereof by means of an arch or girder bridge having a single span of not less than fifty-two feet between the piers or abutments thereof and a clear headway of not less than fifteen feet for the entire width thereof and the work shall be executed under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the Sheffield Company and in all things at the expense of the Company;

(2.) The width and span of the before-mentioned bridge shall be measured on the square between the piers or abutments thereof and the headway shall be measured between the under side of the girders of the bridge and the level of the rails;

(3.) During the construction of the said Chesterfield Deviation Railway over the said railways of the Sheffield Company the Company will bear and on demand pay to the Sheffield Company the expense of the employment by them of a sufficient number

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of inspectors or watchmen to be appointed by them for watching their said railways with reference to and during the execution of the 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 Company or from the acts or defaults of the contractors or of any person or persons in their employment or otherwise;

(4.) The Company shall at all times maintain the bridges and other works by which the Chesterfield Deviation Railway shall be so carried over the railways of the Sheffield Company in substantial repair and good order to the reasonable satisfaction in all respects of the principal engineer of the Sheffield Company and if and whenever the Company fail so to do the Sheffield Company may make or do in and upon as well the lands of the Company as their own lands such repairs and the sum from time to time certified by such engineer to be the reasonable amount of such expenditure shall be repaid to the Sheffield Company by the Company and in default of payment may be recovered by them from the Company with full costs in any court of competent jurisdiction;

(5.) The Company and their contractors agents servants or workmen shall not in constructing or repairing the railway works over the railways of the Sheffield Company obstruct impede or interfere with the free and uninterrupted and safe use of the railways or other works of the Sheffield Company or any traffic thereon or if any such obstruction or interference shall be caused or take place contrary to this enactment the Company shall pay to the Sheffield Company all costs and expenses to which that Company may be put as well as full compensation for any loss 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;

(6) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the Sheffield Company all costs losses damages and expenses which may be occasioned to that Company or to any of the works or property thereof or to the traffic thereon or otherwise by reason of the execution or failure of the Chesterfield Deviation Railway and the works in connection 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 Company will effectually indemnify and hold harmless the Sheffield Company from all claims and demands

upon or against them by reason of such execution or failure and of any such act or omission ;

(7.) The Company shall not in any case without the previous consent in writing under the common seal of the Sheffield Company take use enter upon or interfere with the railways works lands or property at any time belonging to or in the possession of the Sheffield Company except only such part or parts thereof respectively as it will be necessary for the Company to take use enter upon or interfere with for making and maintaining the bridge and other works by which the Chesterfield Deviation Railway is under the provisions of this Act to be carried across the railways of the Sheffield Company ;

(8.) With respect to the railways works lands or property of the Sheffield Company which the Company are by this Act authorised to take use enter upon or interfere with the Company shall not purchase and take the same but they may purchase and take and the Sheffield Company may and shall sell and grant accordingly an easement or right of using the same for the purposes for which but for this enactment the Company might purchase and take the same ;

(9.) If any question or difference shall at any time arise between the Company and the Sheffield Company touching any plans prepared by the Company for the construction of any of the works herein-before provided for or as to the reasonableness or sufficiency of such plans or works the same shall be settled and determined by the engineers of the Company and the Sheffield 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.

Restrictions on displacing persons of labouring class.

20.—(1.) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any 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 on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised (as the case may be) were or have since been 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

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of persons as were residing in such houses on the respective fifteenth day of December aforesaid 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 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 provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company 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 such 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 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 Company 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 Company for the purposes of any scheme under this section in the same manner in all respects as if the Company 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 Company 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 purposes 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 Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the 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 Company for the purpose of any scheme under this section.

(9.) The Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint inspectors for the purposes of any such inquiry and the inspectors so appointed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local

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Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875:

(10.) The Company 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.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

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

Deposit money to be repaid.

21. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of five hundred and seventy-four pounds ten shillings being five per centum upon the amount of the estimate in respect of the railways and works other than substituted works originally intended to be authorised by this Act has been transferred into the name of the Paymaster General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act And whereas power to make the intended new (Midland Junction) railway in respect of which five hundred and twenty-four pounds ten shillings

(part of the said sum of five hundred and seventy-four pounds ten shillings) was deposited as aforesaid was struck out of the Bill for this Act in its passage through Parliament and the balance of fifty pounds of the last-mentioned sum so deposited is applicable to the river diversion authorised by this Act and may be repaid on the passing thereof Therefore the High Court may at any time after the passing of this Act on application by or on behalf of the persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act of 1846 order the said sum of five hundred and seventy-four pounds ten shillings or the stocks funds or securities in which the same may have been invested and the interest or dividends thereon to be paid or transferred to the aforesaid persons or the majority of them or to such other person or persons as they may appoint in that behalf and upon such order being made the said sum of five hundred and seventy-four pounds ten shillings or the stocks funds or securities in which the same may have been invested and the interest or dividends thereon shall be paid or transferred accordingly.

Period for completion of works.

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

Railways to be deemed part of the railway of the Company.

23. The deviation railways by this Act authorised shall for the purposes of tolls rates and charges and all other purposes be deemed to be part of the railway of the Company Provided always that—

Rates for passengers and parcels.

(1.) The maximum rates and charges for or in respect of the conveyance of passengers and of small parcels on the railways of the Company or any part thereof shall be the rates and charges prescribed in respect of such traffic by the Act of 1891; and

Rates for merchandise traffic.

(2.) The maximum rates and charges in respect of the conveyance of merchandise traffic including perishable merchandise by passenger train on the railways of the Company shall be the maximum rates and charges applicable to the respective classes of merchandise traffic specified in the Order made by the Board of Trade under the Railway and Canal Traffic Act 1888 as annexed to and confirmed by the Great Northern Railway Company (Rates and Charges) Order Confirmation Act 1891 and such last-mentioned maximum rates charges and classification shall be substituted for those contained in the Act

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of 1891 and shall apply to the Company with respect to the conveyance of merchandise traffic on their railways as if the Company were one of the railway companies named in the said Order:

Provided also that in calculating the distance over which any merchandise is conveyed and for all purposes of rates and charges the viaduct over Monsall Dale is to be calculated as three miles.

Company may abandon portions of authorised railways.

24. The Company shall abandon the construction of so much of the Railways Nos. 9 10 and 11 authorised by the Act of 1891 as lies between the commencement and termination of the deviation railways described in paragraphs 1 2 3 and 3A of section 4 of this Act and as will be rendered unnecessary by such deviations.

Compensation for damage to land by entry &c. for purposes of portion of Railway abandoned.

25. The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or in the Act of 1891.

Compensation to be made in respect of portion of Railway abandoned.

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

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Power to apply funds.

27. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which they are authorised by the Act of 1891 and the Act of 1892 to raise by shares or stock debenture stock or borrowing.

Power to limited owners to take shares in payment for land.

28. Subject to the provisions herein-after contained it shall be lawful for any limited owner named in the schedule to this Act of any lands (shown on the deposited plans and described in the deposited books of reference referred to in the Act of 1891 the Act of 1892 and this Act) required by the Company for the purposes of any part of their undertaking or railways to agree with the Company that the consideration to be paid for the same and the compensation (if any) to be paid for any permanent damage or injury to any such lands shall be wholly or in part the allotment to such limited owner of such number of shares in the capital of the Company as shall be agreed upon between such owner and the Company :—

(1.) For the purposes of this section the expression "limited "owner" includes any person or corporation empowered under the seventh section of the Lands Clauses Consolidation Act 1845 to sell and convey or release lands or any estate or interest therein to the promoters of the undertaking;

(2.) All shares issued pursuant to this section shall be deemed to be fully paid up shares in the capital of the Company and the names of the holders thereof respectively shall be registered as such in the register of shareholders and such issue and registration shall for the purposes of sections 75 76 and 77 of the Lands Clauses Consolidation Act 1845 be deemed equivalent to and have the same effect as the deposit in the bank of the purchase money or compensation;

(3.) All shares issued pursuant to this section to any limited owner shall be held upon the like uses and trusts and for the same purposes and in the same manner as the lands in consideration for which such shares are issued stood settled or were subject immediately before the conveyance of such lands to the Company and as if such shares were an investment of purchase money or compensation duly authorised by section 70 of the Lands Clauses Consolidation Act 1845;

(4.) The Company shall make an entry in their register of shareholders to the effect that the said shares are subject to such uses trusts and purposes as aforesaid and subject to the uses trusts and purposes affecting such shares the limited

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owner in respect thereof shall have all the other rights and powers of a shareholder of the Company;

(5.) The Company shall not be bound to see to the application of any dividend or interest payable to a limited owner or be in any way responsible with respect to the application thereof.

Power to increase the number of the directors of the Company.

29. The directors of the Company may subject to the approval of a general meeting appoint an additional director or additional directors of the Company but the whole number of directors in office at any time shall never exceed fifteen in addition to any directors which the Great Eastern Railway Company may appoint in pursuance of the provision in that behalf in the Act of 1892.

Extending time for purchase of land for the Newark and Ollerton Railway.

30. The period limited by the Act of 1891 for the exercise by the Company of the powers for the compulsory purchase and taking of lands for the purposes of the Newark and Ollerton Railway by that Act transferred to and vested in the Company except the portion of that railway directed to be abandoned by the Act of 1891 is by this Act extended and may be exercised by the Company for and during a period of two years from and after the fifth day of August one thousand eight hundred and ninety-three.

Extending time for completion of Newark and Ollerton Railway.

31. The time limited by the Act of 1891 for the completion and opening of the Newark and Ollerton Railway is except as aforesaid hereby extended for a period of three years from the fifth day of July one thousand eight hundred and ninety-four and sections 34 and 35 of the Newark and Ollerton Railway Act 1887 shall be read and construed as if the extended period granted by this Act for the completion and opening of the railway (other than the portion abandoned as aforesaid) had been the period limited for the same purpose by the said Act of 1887.

If Newark and Ollerton Railway not completed within extended time powers to cease.

32. If the Newark and Ollerton Railway (except the portion thereof abandoned by the Act of 1891) shall not be completed within the extended period granted by this Act then on the expiration of such period the powers granted to the Company by the Act of 1891 and this Act for making and completing the said railway or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Provision as to general Railway Acts.

33. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during

this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

34. All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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SCHEDULE referred to in the foregoing Act.

Names of Limited Owners.

The Earl Manvers.
The Earl Bathurst.
William Arkwright.
George Eden Jarvis.
William Bromley-Davenport.

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