CHAPTER ciii.

An Act to authorise the Manchester Sheffield and Lincolnshire Railway Company to make new Railways to confer further powers on the Company in connection with their Undertaking; and for other purposes. [26th July 1889.] A.D. 1889.

WHEREAS it is expedient that the Manchester Sheffield and Lincolnshire Railway Company (hereinafter called the Company) be authorised to construct and maintain in connection with their undertaking the railways and widening of railway and works hereinafter described and to purchase by compulsion or agreement for the purposes of this Act and for the general purposes of their undertaking and works connected therewith the lands and buildings hereinafter described or referred to and to exercise the other powers by this Act conferred upon the Company and to raise and apply further capital for the purposes of this Act:

And whereas it is expedient that the time limited by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1887 for the construction and completion of the widening and improvement of the bridge described in sub-section 3 of section 4 of the Manchester Sheffield and Lincolnshire Railway Act 1876 and authorised thereby should be further extended:

And whereas it is expedient that the time limited by the Manchester Sheffield and Lincolnshire Railway (Chester to Connah's Quay) Act 1884 for the completion of the railways and works authorised by that Act should be extended:

And whereas it is expedient that the time limited by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1886 for the compulsory purchase of lands houses and buildings described in section 20 of that Act should be extended:

And whereas it is expedient that the Company should be empowered to subscribe a further sum of money towards the undertaking of the Blackpool Railway Company (hereinafter called

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the Blackpool Company) authorised by the Blackpool Railway Act 1884 and for that purpose to raise and apply additional capital:

And whereas it is expedient that the Company on the one hand and the Blackpool Company on the other hand should be empowered to enter into and carry into effect contracts and agreements as hereinafter mentioned:

And whereas plans and sections showing the lines and levels of the railways 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 houses and other property required or which may be taken for the purposes thereof and plans of other lands by this Act authorised to be taken compulsorily with like books of reference thereto were duly deposited with the respective clerks of the peace for the county of Lancaster Lincoln Derby Nottingham and the West Riding of the county of York and are herein respectively referred to as the deposited plans sections and books of reference:

And whereas the objects aforesaid 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 for all purposes as the Manchester Sheffield and Lincolnshire Railway Act 1889.

Incorporation of general Acts.

2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are except where expressly varied by this Act incorporated with and form part of this Act.

Extending certain provisions of Companies Clauses Acts.

3. The clauses and provisions of the Companies Clauses Consolidation Act 1845 with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of the creditors of the Company against shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of 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 provision to be made for affording access to the special Act by all parties interested:

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

are (except where expressly varied by this Act) incorporated with and form part of this Act and shall apply to the Company and to the capital by this Act authorised to be raised by them.

Interpretation of terms.

4. 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 or inconsistent with such construction and in and for the purposes of this Act the expression "the railway" means the railways widening of railway and works by this Act authorised to be made by the Company and 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.

Power to make railways and other works.

5. 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 hereinafter described with all necessary and convenient stations sidings approaches roads junctions 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 Provided that it shall not be lawful for the Company to enter upon take or use any lands not being turnpike roads or public highways or railways for the purposes of the Railways Nos. 3 4 5 6 8 11 12 and 13 except by agreement with the owners lessees and occupiers thereof but

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nothing herein contained shall prevent or interfere with the carrying of those railways across any turnpike road public highway or railway The railways and works hereinbefore referred to and authorised by this Act are:—

A Railway (No. 1) 10 miles 6 furlongs 2 chains 7 links in length wholly in the county of Derby commencing in the parish of Beighton by a junction with the Beighton branch of the railway of the Company and terminating in the parish of Chesterfield;

A Railway (No. 2) 1 mile 5 furlongs 8 chains 5 links in length commencing in the parish of Wales in the West Riding of the county of York by a junction with the main line of railway of the Company and terminating in the parish of Beighton in the county of Derby by a junction with the intended Railway (No. 1);

A Railway (No. 3) 6 furlongs 8 chains 8 links in length wholly in the county of Derby commencing by a junction with the intended Railway (No. 1) in the parish of Beighton and terminating in the parish of Eckington;

A Railway (No. 4) 7 furlongs 2 chains 5 links in length wholly in the county of Derby commencing by a junction with the intended Railway (No. 1) in the parish of Beighton and terminating in the parish of Killamarsh;

A Railway (No. 5) 2 furlongs 5 links in length wholly in the parish of Eckington in the county of Derby commencing by a junction with the intended Railway (No. 1) and terminating on the premises of the Renishaw Ironworks;

A Railway (No. 6) 4 furlongs in length wholly in the county of Derby commencing by a junction with the intended Railway (No. 1) in the parish of Staveley and terminating in the parish of Eckington;

A Railway (No. 7) 7 chains 70 links in length wholly in the parish of Chesterfield in the county of Derby commencing by a junction with the intended Railway (No. 1) and terminating by a junction with the branch railway of the Midland Railway Company connecting the Sheepbridge Ironworks with the Canal Wharf;

A Railway (No. 8) 2 miles 1 chain 5 links in length wholly in the county of Derby commencing in the parish of Staveley by a junction with the intended Railway (No. 1) and terminating in the parish of Sutton-cum-Duckmanton;

A Railway (No. 9) 16 miles 6 furlongs 2 chains 3 links in length commencing in the parish of Staveley in the county of

Derby by a junction with the intended Railway (No. 1) and terminating in the liberty or place of Newstead adjoining the parish of Papplewick in the county of Nottingham by a junction with the Leen Valley branch of the Great Northern Railway;

A Railway (No. 10) 6 furlongs 5 chains 7 links in length wholly in the county of Derby commencing in the parish of Heath by a junction with the intended Railway (No. 9) and terminating in the parish of Ault Hucknall by a junction with the same intended railway;

A Railway (No. 11) 3 furlongs 3 chains 6 links in length wholly in the parish of North Wingfield in the county of Derby commencing by a junction with the intended Railway (No. 9) and terminating upon the premises of the Pilsley Colliery;

A Railway (No. 12) 3 furlongs 1 chain 70 links in length wholly in the county of Derby commencing in the parish of Tibshelf by a junction with the intended Railway (No. 9) and terminating in the parish of Tibshelf on the premises of the Tibshelf Colliery;

A Railway (No. 13) 3 furlongs 2 chains 70 links in length commencing in the parish of Blackwell in the county of Derby by a junction with the intended Railway (No. 9) and terminating in the parish of Sutton-in-Ashfield in the county of Nottingham by a junction with the private railway belonging or reputed to belong to the New Hucknall Colliery Company;

A widening alteration and improvement of so much of the Company's main line of railway in the several townships of Ardwick and Openshaw in the parish of Manchester in the county of Lancaster as lies between a point on that railway distant $16\frac{1}{2}$ chains or thereabouts measured in a westerly direction along that railway from the centre of the bridge carrying that railway over Gorton Lane and a point distant $4\frac{1}{2}$ chains or thereabouts measured in an easterly direction along that railway from the junction of the Manchester and Stockport Railway of the Sheffield and Midland Companies Committee with that railway.

Inclination of roads.

6. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any inclinations not steeper than the inclinations hereinafter mentioned in connection therewith (that is to say):—

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No. on deposited Plan.	Parish.	Description of Road.	Intended Inclinations.
	Railway No. 1.		
19	Beighton	Public	East 1 in 15 West level
21	Eckington	Turnpike	West 1 in 14 East level
68	Chesterfield	Turnpike	East 1 in 20 West 1 in 30
	Railway No. 5.		
5	Eckington	Turnpike	West 1 in 14 East level
	Railway No. 8.		
22	Staveley	Public	East 1 in 15
	Railway No. 9.		
47	Staveley	Public	West 1 in 15
11	Heath	Turnpike	East 1 in 14 West 1 in 51
58	Blackwell	Public	East 1 in 12 West level
	Railway No. 12.		
3	Blackwell	Public	East 1 in 16
5	Tibshelf		

Widths of certain road ways.

7. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths hereinafter mentioned in connection therewith respectively (that is to say):—

No. on deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
	Railway No. 1.		
19	Beighton	Public	20 feet
53	Chesterfield Whittington	Public	20 feet
132	Chesterfield	Public	20 feet
	Railway No. 9.		
49	Tibshelf	Public	15 feet
7	Fulwood	Public	20 feet
48	Kirkby-in-Ashfield	Turnpike	30 feet

Land for extraordinary purposes.

8. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 shall not exceed ten acres but

nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

For protection of the Midland Railway Company.

9. The powers of this Act with respect to the purchase and acquisition of lands otherwise than by agreement for the purposes of the railways hereby authorised (hereinafter referred to as "the said railways") and with respect to the making and maintaining of those railways shall unless with the previous consent of the Midland Railway Company (hereinafter 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 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 purchase or take the same but the Company may purchase and take and the Midland 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;

(3) The crossing of the respective railways over the Midland Company's railway and branches shall be effected at such points within the limits of deviation shown on the deposited plans and 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 hereinafter provided;

(4) The bridge carrying Railway No. 1 over the Midland Company's main line from Derby to Leeds near Beighton shall be constructed with one arch or opening of not less than fifty-two feet span on the square with a clear headway of not less than fourteen feet six inches throughout;

(5) The bridge carrying the said Railway No. 1 over the Midland Company's Killamarsh Branch shall be constructed

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with one arch or opening of not less than twenty-eight feet span on the square with a clear headway of not less than fourteen feet six inches throughout;

(6) The bridges carrying the said Railway No. 1 over the Midland Company's Clown Branches shall be constructed respectively with arches or openings of not less than twenty-eight feet span on the square and with clear headways of not less than fourteen feet six inches throughout;

(7) The bridge carrying the said Railway No. 1 under the Midland Company's main line from Derby to Leeds shall be constructed of a clear width between the parapets of twenty-eight feet;

(8) The bridge carrying the said Railway No. 1 under the Midland Company's Chesterfield and Sheffield line shall be constructed of a clear width between the parapets of twenty-eight feet;

(9) The bridge carrying Railway No. 6 over the Midland Company's main line from Derby to Leeds shall be constructed with one arch or opening of not less than one hundred and four feet or if the Company shall so prefer with one arch or opening of not less than fifty-two feet span on the square with a clear headway of not less than fourteen feet six inches throughout and with two side openings of twenty-eight feet span each on the square with clear headways of fourteen feet six inches throughout;

(10) The bridge carrying Railway No. 8 over the Midland Company's Speedwell Branch shall be constructed with one arch or opening of not less than twenty-eight feet span on the square with a clear headway of not less than fourteen feet six inches throughout;

(11) The bridge carrying Railway No. 9 over the Midland Company's Holmwood Colliery Branch shall be constructed with one arch or opening of not less than fifty-two feet span on the square with a clear headway of not less than fourteen feet six inches throughout;

(12) The bridge carrying the said Railway No. 9 over the Midland Company's Teversall and Pleasley Branch shall be constructed with one arch or opening of not less than fifty-two feet span on the square with a clear headway of not less than fourteen feet six inches throughout;

(13) The Company shall also construct a bridge to carry the said Railway No. 9 over the Midland Company's Blackwell Branch with one arch or opening of not less than twenty-eight

feet span on the square with a clear headway of not less than fourteen feet six inches throughout;

(14) The bridge carrying the said Railway No. 9 over the Midland Company's Hucknall Colliery Branch shall be constructed with one arch or opening of not less than twenty-eight feet span on the square with a clear headway of not less than fourteen feet six inches throughout;

(15) The bridge carrying the said Railway No. 9 over the Midland Comyany's Pye Bridge and Mansfield Branch shall be constructed with two arches or openings of not less than twenty-eight feet span on the square with clear headways of not less than fourteen feet six inches throughout;

(16) The bridge carrying Railway No. 9 under the Midland Company's Nottingham and Mansfield Branch shall be constructed of a clear width between the parapets of fifty-two feet;

(17.) In constructing Railway No. 10 by this Act authorised the Company shall at their own expense construct a bridge on that railway of such a reasonable height and span and at such a point as may be agreed or determined by arbitration as hereinafter provided so as to permit of the Midland Company's Holmwood Branch being extended in a north-easterly direction under or over Railway No. 10 and the level of Railway No. 10 at such bridge shall be lowered if necessary to an extent not exceeding three feet to permit of such crossing;

(18) The bridge carrying Railway No. 11 over the Midland Company's Pilsley Branch shall be constructed with one arch or opening of not less than twenty-eight feet span on the square with a clear headway of not less than fourteen feet six inches throughout;

(19) The bridge carrying Railway No. 12 over the Midland Company's Teversall and Pleasley Branch shall be constructed with cne arch or opening of not less than fifty-two feet span on the square with a clear headway of fourteen feet six inches throughout;

(20) If at any time before the construction of Railway No. 13 the Midland Company shall construct a bridge in lieu of the existing level crossing near the proposed junction of Railway No. 13 with the Midland Company's New Hucknall Branch then previous to the opening of Railway No. 13 for traffic the Company shall pay to the Midland Company one half of the cost of such overbridge;

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(21) If at any time hereafter the Midland Company shall widen their railway and shall give notice to the Company that for the purpose of such widening they require any one or more of the bridges carrying Railway No. 1 or the bridge carrying Railway No. 9 under the Midland Railway to be widened to any extent not exceeding twenty-four feet the Company shall forthwith at their own expense widen such bridges accordingly and the provisions of this enactment so far as they are applicable shall apply to such widenings;

(22) The said railways where the same respectively 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 hereinafter provided;

(23) Except so far as may be absolutely necessary for the purpose of the works before mentioned the Company shall not remove or disturb any of the rails of the Midland Company's railway sidings or other works;

(24) The Company shall not in any manner in the execution of any of their works obstruct the free uninterrupted and safe use of any railway siding canal wharf or other work belonging to the Midland Company and they shall not interfere with the sidings or canal of the Company at the end of the Midland Company's Sheepbridge Branch until they shall have provided a canal dock and sidings in substitution for the existing works according to a plan to be agreed upon between the Companies or in case of difference to be settled by arbitration as hereinafter provided;

(25) 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;

(26) 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 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 that 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;

(27) The Company shall at all times maintain the bridges arches openings or other works by which their railways are carried across or under 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 may 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;

(28) 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 hereinafter 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

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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 cost and expenses or as the case may be the amount of the additional cost and expenses shall in case of difference be determined by arbitration as hereinafter provided;

(29) 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 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 hereinafter provided;

(30) 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.

As to arrangements between the Company and the Great Northern Railway Company.

10.—(1) The Company may run over and use with their engines carriages and wagons officers and servants whether in charge of engines and trains or for any other purposes whatsoever and for the purposes of their traffic of all description—

So much of the Leen Valley Railway of the Great Northern Railway Company (in this Act called the Great Northern Company) as lies between Annesley and Nottingham together with the stations of that Company at Annesley and Nottingham;

and all stations roads platforms sidings junctions turntables points signals water watering places engine sheds standing room for engines booking and other offices warehouses machinery appliances and conveniences of and connected with the said portion of railway and stations including access to private or other sidings connected with mines collieries manufactories warehouses and other trading or industrial works adjacent to the said railway and as to traffic conveyed by the Company they may demand and take upon and in respect of the said portion of railway any tolls and charges not exceeding those now authorised by statute to be taken upon and in respect of the same.

(2) And the Great Northern Company may run over and use with their engines carriages and wagons officers and servants whether in charge of engines and trains or for any other purposes whatsoever and for the purposes of their traffic of all descriptions—

The railways by this Act authorised; and

The Beighton Branch Railway of the Company and so much of the main line of railway of the Company as lies between the junction therewith of the said Beighton Branch Railway and the Sheffield station of the Company together with the use of the stations of the Company at Chesterfield Beighton and Sheffield;

and all stations roads platforms sidings junctions points turntables signals water watering places engine sheds and standing room for engines booking and other offices warehouses machinery appliances and conveniences of and connected with the said railways or portion of railway and stations including access to private or other sidings connected with mines collieries manufactories warehouses and other trading or industrial works adjacent to the said railways or portion of railway and as to traffic conveyed by the Great Northern Company they may demand and take upon and in respect of the railways so run over and used by them any tolls and charges not exceeding those authorised by statute to be taken upon and in respect of the said railways or portion of railway respectively.

(3) In exercising the running powers by this Act authorised each of the two Companies shall be entitled to fix its own through rates and fares the owning Company being entitled to receive the mileage proportion attributable to the portion of railway run over of the gross receipts from the traffic in respect of which the running powers are exercised after deducting therefrom—

(First) The usual clearing house terminals arising therefrom and also paid-ons paid-outs proportions paid or due to other Companies and Government duty; and

(Secondly) From the net sum thereby ascertained thirty-three and one-third per centum for working expenses to the running Company:

The said payments shall be made monthly in accordance with the regulations of the clearing house for the time being in force.

(4) In case the Great Northern Company shall under the running powers by this Act granted carry any traffic to or from London from or to Sheffield or places west of the meridian of that town contrary to the provisions of the agreement dated the first day of October one thousand eight hundred and sixty and made between

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the Great Northern Company of the one part and the Company of the other part then the Great Northern Company shall in respect of that traffic allow and pay to the Company the bonus mileage or allowance to which the Company would be entitled under the said agreement as if that traffic had been carried by way of Retford.

(5) The terms conditions and regulations in respect of the said use of the several stations hereinbefore specified and all other stations in this enactment mentioned and the consideration to be paid for the same shall if not agreed upon between the Company exercising the powers hereinbefore specified and the Company over whose undertaking such powers are exercised be from time to time determined in manner provided by the Regulation of Railways Act 1873 as amended by the Railway and Canal Traffic Act 1888 with respect to differences between railway companies.

(6) In running over and using any portions of railway and in using any of the said stations and conveniences in accordance with the provisions hereinbefore contained the regulations and bye-laws for the time being in force on the undertaking so used shall be at all times observed so far as such bye-laws shall be applicable.

(7) Where traffic is conveyed under the powers of this Act partly on the railway of the Company and partly on any other railway the railway of the Company and such other railway shall for the purposes of short distance tolls and charges leviable in respect of such traffic be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed under the powers of this Act partly on the railway of the Company and partly on such other railway for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of passengers for every mile or fraction of a mile beyond four miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond four miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods under the powers of this Act partly on the railway of the Company and partly on such other railway.

(8) Neither the Company nor the Great Northern Company in exercising the running powers by this Act granted to them respectively shall without the consent in writing of the other of them take up at any station of that Company to which the railway so run over and used belongs any passengers parcels animals or goods and deliver the same at any other station of that Company and such one

of the said Companies as shall violate this enactment shall pay to the other of such Companies for every such violation the sum of fifty pounds by way of liquidated damages.

(9) Nothing in this Act shall take away alter or prejudicially affect the rights or interests of the Company or the Great Northern Company under the said agreement dated the first day of October one thousand eight hundred and sixty and which was made under the powers of the Great Northern and Manchester Sheffield and Lincolnshire Railway Companies Act 1858 and approved by the Board of Trade and the Company shall not directly or indirectly make use of the running powers by this enactment conferred from Annesley to Nottingham as a ground for any extension of the powers of the Company south of the town of Nottingham.

For the protection of the Corporation of Manchester.

11. In executing the powers of this Act within the city of Manchester in relation to the widening alteration and improvement of the Company's main line of railway in the townships of Ardwick and Openshaw in the parish of Manchester the following provisions for the protection of the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (hereinafter referred to as "the corporation") shall apply and have effect (that is to say):—

The widening of the bridge over Gorton Road is to be constructed a horizontal girder bridge with the same headway as that of the present bridge and the abutments are to be placed so as to give the full width of the existing bridge and so constructed as to give not less than 12 feet open space for light and air between the old and new bridges;

The bridge for the widening of the line crossing Pottery Lane shall have a clear headway of not less than that of the bridge carrying the Company's main line over that road and be so constructed as to give not less than 10 feet open space for light and air between the old and new bridges and the roadway between the abutments shall not be less than 12 yards wide;

The said bridges or widenings across Gorton Road and Pottery Lane shall be made and maintained as far as practicable drop dry at all times and the piers or abutments thereof shall be made and maintained with a facing of white glazed bricks for the entire length thereof on each side and shall in all other respects be kept in complete repair;

The Company shall provide in respect of such bridges and widenings respectively parapets of a height of not less than 8 feet 6 inches above the levels of the rails and shall continue the said parapets for such distances on each side of the said roads as the Corporation may reasonably require;

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The piers or abutments and foundations of the said bridges shall extend and be made below the surface of the ground to such depth below the existing sewers as shall be necessary for the purpose of insuring the permanent stability of the railway and shall be sufficient to allow the corporation to make and construct 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;

No advertisements advertising boards or posters shall be placed on the said bridge over Gorton Road without the consent of the corporation;

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 the works of the Company shall be repaid to the corporation by the Company on demand.

Whenever in the 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 corporation but at the expense in all respects of the Company.

Except as in this section mentioned the Company shall not without the consent of the corporation in any part or to any extent whatever stop up obstruct or interfere with Gorton Road.

Power to Company to acquire lands for general purposes.

12. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate to the purposes of their undertaking all or any of the lands and buildings delineated on the deposited plans and described in the deposited books of reference (that is to say):—

Certain lands houses and buildings situate in the parish of Healing in the parts of Lindsey in the county of Lincoln abutting on the north side of the main line of railway of the Company leading to Grimsby and adjoining the Healing station;

Certain lands houses and buildings adjoining and abutting on the east side of the Alexandra Dock of the Company in the borough and parish of Great Grimsby in the parts of Lindsey in the county of Lincoln;

Certain lands houses and buildings situate in the parish of Clee in the said parts of Lindsey in the said county of Lincoln

adjoining and abutting upon the north-easterly side of the Cleethorpes branch railway of the Company and lying between that branch railway and the foreshore of the river Humber;

Certain lands houses and buildings belonging or reputed to belong to the trustees of the hospital of Gilbert Earl of Shrewsbury and others adjoining or abutting on the south side of the main line of the railway of the Company near their goods station in the parish and township of Penistone in the West Riding of the county of York;

Certain lands houses and buildings situate in the parish of Handsworth in the West Riding of the county of York adjoining or abutting on the south side of the Company's Birley branch railway;

Certain other lands houses and buildings situate and being in the parish of Ashton-under-Lyne aforesaid adjoining the goods yard of the Company there and abutting on Whitelands Road on one side thereof.

Power to take easements &c. by agreement.

13. 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 Company any easement right or privilege (not being an easement of water) required for the purposes of this Act or any of the purposes of their undertaking in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges as far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights or privileges as aforesaid.

Restriction on displacing persons of labouring class.

14.—(1) The Company shall not under the powers of this Act or under the powers of any former Act extended by 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 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 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

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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 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 High Court of Justice.

(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 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 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 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 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 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

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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 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.

Power to apply corporate funds to purposes of Act.

15. The Company may apply for the purposes of this Act to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage and which may not be required for the purposes for which the same were authorised to be raised.

Power for the Company to raise additional capital.

16. In addition to such share capital as the Company are for the time being independently of this Act authorised to raise they may from time to time raise such additional capital as they think requisite for the purposes of this Act not exceeding the sum of seven hundred and fifty thousand pounds.

Mode of raising additional share capital.

17. The additional share capital by this Act authorised to be raised by the Company shall be raised by the issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively as the Company from time to time think fit.

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

18. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

New shares or stock to be subject to the same incidents as other shares or stock.

19. The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

Receipt clause in case of persons not sui juris.

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

Power to borrow.

21. The Company may in respect of the additional capital which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole two hundred and fifty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of such capital as is to be raised by 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 of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of such additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

22. All mortgages or bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which those mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

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

23. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance

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of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

Appointment of a receiver.

24. The mortgagees of the undertaking 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 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 debenture stock.

25. The Company may create and issure debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

26. All moneys which the Company may raise under the powers of this Act whether by shares stock debenture stock or borrowing shall be applied for the purposes of this Act and the general purposes of the Company being in every case purposes to which capital is properly applicable.

Period for the compulsory purchase of lands.

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

Imposing penalty unless railway opened within the time limited.

28. If the Company fails within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum 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 respect of the railway 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 3 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 the Paymaster-General for and 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

hereinafter provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway 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.

29. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or 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 the railway conferred upon the Company 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 Company 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 Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of works.

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

Tolls for use of railway and widening of railway.

31. The Company may demand and take for the use of the railway by this Act authorised and for the supply of carriages wagons or trucks thereon any tolls rates and charges not exceeding

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those which they are empowered to demand and take in respect of their existing railways and the railway hereby authorised shall in all respects be deemed part of the railway of the Company.

Extension of time for completion of certain works authorised by the Manchester Sheffield and Lincolnshire Railway Act 1876.

32. The time limited by the Manchester Sheffield and Lincolnshire Railway Act 1887 for the completion of the widening and improvement of the existing bridge carrying the main line of the railway of the Company over Douglas Road in the parish of Sheffield authorised by the Manchester Sheffield and Lincolnshire Railway Act 1876 is hereby further extended for two years from the twenty-fourth day of July one thousand eight hundred and eighty-nine.

Extension of time for completion of the railways and works authorised by the Manchester Sheffield and Lincolnshire Railway (Chester to Connah's Quay) Act 1884.

33. The time limited by the Manchester Sheffield and Lincolnshire Railway (Chester to Connah's Quay) Act 1884 for the completion of the railways and works authorised by that Act is hereby extended for a period of two years from the twenty-eighth day of July one thousand eight hundred and eighty-nine.

Powers not to be exercised after extended periods.

34. If the railways and works respectively mentioned in the last two preceding sections shall not be completed within the extended periods respectively by this Act limited then on the expiration of those periods respectively the powers by the several and respective Acts mentioned in those sections and by this Act granted to the Company for completing the respective railways and works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Extension of time for purchase of lands under the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1886.

35. The powers granted to the Company by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1886 for the compulsory purchase of lands and buildings described in section 20 of that Act are hereby extended and may be exercised by the Company for and during a period of one year from the twenty-fifth day of September one thousand eight hundred and eighty-nine.

Power to Company to further subscribe to undertaking of the Blackpool Railway Company.

36. The Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for that purpose from time to time subscribe in addition to any money they are already authorised to subscribe towards the undertaking of the Blackpool Company authorised by the Blackpool Railway Act 1884 any sums which they may think fit towards that undertaking not exceeding in the whole one hundred thousand pounds and may with the like authority contribute and apply in payment of their subscription any of the moneys which they now have in their hands

or which they have power to raise by virtue of any Act relating to the Company and which may not be required for the purposes to which such moneys are by any such Act made specially applicable Provided always that the Company shall not sell dispose of or transfer any of the shares in the undertaking authorised by the Blackpool Railway Act 1884 for which they may subscribe as aforesaid.

Power to enter into working agreements with the Blackpool Company.

37. The Company on the one hand and the Blackpool Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into and carry into effect and rescind agreements with respect to the following purposes or any of them (that is to say):—

The working management and maintenance by the Company of the railways and works of the Blackpool Company or any part or parts thereof;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways of the contracting Companies or either of them;

The supply and maintenance under any agreement for the railways of the Blackpool Company being worked and used by the Company of engines stock plant and machinery necessary for the purposes of any such agreement;

The fixing collection payment appropriation apportionment and distribution of the tolls rates charges income and profits arising from the railways and works of the Blackpool Company or any part thereof;

The employment of officers and servants;

The appointment of joint committees for the purposes of any such agreements.

Saving for Postmaster-General in respect of Blackpool Railway.

38. Nothing in any agreement made under the authority of this Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Blackpool Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Blackpool Company is owned leased or worked by the Company

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and as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Tolls on traffic conveyed partly on the railway and partly on other railways.

39. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways of the Blackpool Company or any part thereof the railways of the Company and of the Blackpool Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of one contracting Company and partly on the railways of the other contracting Company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of one contracting Company and partly on the railways of the other contracting Company.

Interest not to be paid on calls paid up.

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

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

Provision as to general Railway Acts.

42. Nothing in this Act contained shall exempt the Company or the railway 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. A.D. 1889.

Costs of Act.

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

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