CHAPTER cxxxviii.

An Act to authorise the Manchester Sheffield and Lincolnshire Railway Company to make deviation and other Railways to confer further powers on the Company and for other purposes. [21st July 1891.]

A.D. 1891.

WHEREAS it is expedient that the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Company") should be authorised to make and maintain the railways and deviation railways and works herein-after described and to acquire for the purposes thereof and for the general purposes of their undertaking the lands in this Act mentioned or referred to:

And whereas it is expedient that further powers should be conferred on the Company with respect to the sale lease or other disposal of lands acquired by them which are not or eventually may not be required for the purposes of their undertaking:

And whereas plans and sections showing the lines and levels of the railways and deviation 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 and plans of the other lands by this Act authorised to be taken compulsorily with books of reference thereto were duly deposited with the respective clerks of the peace for the counties of Derby and Nottingham and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

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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 Manchester Sheffield and Lincolnshire Railway Act 1891.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation of terms.

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 The expressions "the railway" and "the railways" mean respectively the new railways by this Act authorised the expression "the deviations" means the deviation railways by this Act authorised the expression "the Act of 1889" means the Manchester Sheffield and Lincolnshire Railway Act 1889 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.

Power to make new railways.

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 herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act are—

1. A Railway (No. 1) one mile five furlongs in length commencing in the parish of Kirkby-in-Ashfield in the county of Nottingham by a junction with Railway No. 9 authorised by the Act of 1889 now in the course of construction and terminating by a junction with the Great Northern Railway (Leen Valley branch) in the parish or liberty of Newstead in the same county at the authorised termination of the said Railway No. 9 ;

2. A Railway (No. 2) on the deposited plans described as Railway No. 12 one mile 3·5 chains in length wholly in the parish of Kirkby-in-Ashfield in the county of Nottingham commencing by a junction with the Railway No. 9 authorised by the Act of 1889 now in course of construction and terminating by a junction with the private railway of the Pinxton Colliery Company.

Power to make deviation railways.

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 deviation railways herein after described with all proper stations sidings approaches works and conveniences connected therewith respectively 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 deviation railways and works herein-before referred to and authorised by this Act are—

1. A deviation Railway (No. 1) one mile five furlongs five chains in length wholly situate in the parish of Sutton-cum-Duckmanton in the county of Derby commencing by a junction with the Railway No. 9 authorised by the Act of 1889 now in course of construction and terminating by a junction with the same authorised railway at a point thereon where that railway crosses the fence dividing the fields numbered 59 and 61 in that parish on the plans deposited with reference to that Act;
2. A deviation Railway (No. 2) one mile in length wholly situate in the parish of Tibshelf in the county of Derby commencing by a junction with the Railway No. 9 authorised by the Act of 1889 now in course of construction and terminating by a junction with the same authorised railway at a point thereon fifteen yards or thereabouts measured along that railway in a northerly direction from the point where the same authorised railway crosses the Tibshelf and Teversall branch of the Midland Railway;
3. A deviation Railway (No. 3) one mile two furlongs in length commencing in the parish of Blackwell and county of Derby by a junction with the Railway No. 9 authorised by the Act of 1889 now in course of construction and terminating by a junction with the same authorised railway in the parish of Sutton-in-Ashfield in the county of Nottingham.

Running powers to Great Northern Railway Company.

6. The Great Northern Railway Company may have and exercise over the Railways Numbers 1 and 2 and the deviation Railways Numbers 1 2 and 3 the same running and other powers rights and

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privileges as are conferred on the Great Northern Railway Company by section 10 of the Manchester Sheffield and Lincolnshire Railway Act 1889 and the said section 10 (As to arrangements between the Company and the Great Northern Railway Company) shall be read and construed accordingly.

Running powers to London and North-western Railway Company.

7. The London and North-western Railway Company may have and exercise over the Railways Numbers 1 and 2 and the deviation Railways Numbers 1 2 and 3 by this Act authorised the same running and other powers and privileges as are conferred on that Company by an agreement dated the first day of August one thousand eight hundred and eighty-nine made between the London and North-western Railway Company and the Company and scheduled to and confirmed by the London and North-western Railway Act 1890 subject in all respects to the terms conditions and restrictions contained in that agreement.

Tolls on traffic conveyed partly on other railways.

8. During the exercise of any of the running powers by this Act granted the railways of the Company and the railways of the London and North-western and Great Northern Railway Companies respectively shall for the purpose 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 on the railways of the said companies for a less distance than four miles tolls and charges may be charged as for four miles only 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 partly on the railways and partly on the railways of the London and North-western and Great Northern Railway Companies as the case may be.

Inclination of road.

9. 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 connexion therewith (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
	DEVIATION No. 3.		
3	Blackwell - -	Public - - -	North 1 in 10 South 1 in 37

Heights and spans of bridges.

10. The Company may make the arches of the bridges for carrying the railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
		RAILWAY No. 12.		
13	Kirkby-in-Ashfield	Disturnpiked -	16 0	30 0
		DEVIATION No. 3.		
3	Blackwell - -	Public - - -	15 0	20 0

Period for compulsory purchase of lands by Company.

11. The powers of the Company for the compulsory purchase of lands under the powers of this Act shall cease after the expiration of three years from the passing of this Act.

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 for the purposes of their undertaking all or any of the lands herein-after mentioned delineated on the deposited plans and described in the deposited books of reference (that is to say):—

Certain lands in the parish of Beighton in the county of Derby adjoining the railway of the Company near Beighton Junction;

Certain other lands situate in Beighton aforesaid on the east side of the Midland Railway near the said Beighton Junction.

Restriction on taking houses of labouring class.

13. The Company shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" means and 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.

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Power to apply corporate funds to purposes of Act.

14. 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.

Imposing penalty unless railways and deviations opened within the time limited.

15. If the Company fail within the period limited by this Act to complete the railways and deviations 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 railways and deviations are 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 or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster General for and on behalf of the Supreme Court 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 such lines 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.

16. 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 railways and deviations or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act 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 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 if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the railways and deviations or any of them have been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the depositors.

Period for completion of works.

17. If the railways and deviations 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 railways and deviations or otherwise in relation thereto shall cease except as to so much thereof as may be then completed.

Extending time for sale of certain superfluous lands.

18. Notwithstanding anything to the contrary in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with the railways or situate in the parishes respectively described or mentioned in the schedule to this Act are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the other of the said lands for the period of three years from the passing of this Act but the Company shall at the expiration of those respective periods sell and absolutely dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

Tolls for use of railway.

19. The Company may demand and take for the use of the railways and deviations respectively and for the supply of carriages waggons or trucks thereon any tolls rates and charges not exceeding those which they are for the time being empowered to demand and take in respect of their existing railways respectively and the railways and deviations shall subject to the provisions of this Act in all respects be deemed part of the railways of the Company.

Abandonment of portion of Railway No. 9 authorised by the Act of 1889.

20. The Company shall abandon so much of the Railway No. 9 authorised by the Act of 1889 as will be rendered unnecessary by the construction of the Railway No. 1 by this Act authorised and of the deviation Railways Nos. 1 2 and 3 by this Act authorised.

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

21. The abandonment by the Company under the authority of this Act of the portion of the Railway No. 9 authorised by the Act of 1889 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 may have 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 the Act of 1889.

Compensation to be made in respect of railway abandoned.

22. 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 or easement for the purposes of or in relation to the portion of railway 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.

Provision as to general Railway Acts.

23. Nothing in this Act contained shall exempt the Company or the railways or deviations 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 which the Company are authorised to take.

Costs of Act.

24. 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.

SCHEDULE referred to in the foregoing Act.

SUPERFLUOUS LANDS SITUATED RESPECTIVELY IN THE PARISHES AND COUNTIES FOLLOWING:—

LANCASHIRE.

Manchester
Ashton-under-Lyne

CHESHIRE.

Stockport
Mottram
Prestbury
Wilmslow
Mobberley
Knutsford

DERBYSHIRE.

Glossop

WEST RIDING OF THE COUNTY OF YORK.

Penistone
Silkstone
Tankersley
Ecclesfield
Sheffield
Handsworth
Rotherham
Beighton
Todwick
Treeton
South Anston
Thorpe Salvin
Adwick-upon-Dearne
Barnby Don
Conisborough
Darfield
Doncaster
Fishlake
Kirk Sandall
Mexborough
Royston
Sprotborough
Thorne
Thrybergh
Wath-upon-Dearne
Warmsworth

NOTTINGHAMSHIRE.

Worksop
Ordsall
Clarborough
Sturton-le-Steeple
Bole
Saundby
Beckingham
South Leverton
North Leverton
Treswell

LINCOLNSHIRE.

Gainsborough
Blyton-cum-Wharton
Northorpe
Kirton-in-Lindsey
Hibaldstowe
Scawby-cum-Sturton
Bigby
Wrawby
Barnetby-le-Wold
Melton Ross
Ulceby
Killingholme
Habrough
Great Coates
Great Grimsby
Clee

A.D. 1891.

Goxhill
Barrow-upon-Humber
North Kelsey
Middle Rasen
Market Rasen
Buslingthorpe
Wickenby
Snelland
Scothern
Barlings
Reepham

Cherry Willingham
St. Mary-le-Wigford, St. Mark's, St. Botoph } City of Lincoln
Boultham
Skellingthorpe
Torksey
Frodingham

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