CHAPTER lxxxiv.

An Act to authorise the Manchester Sheffield and Lincolnshire Railway Company to construct new railways and other works and to confer further powers upon that Company in connexion with their undertaking and for other purposes. [16th July 1885.]

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WHEREAS it is expedient that the Manchester Sheffield and Lincolnshire Railway Company (in this Act called the Company) should be empowered to make and maintain the railways and other works herein-after described and to exercise the other powers by this Act conferred upon the Company and to acquire for the purposes of this Act and for the general purposes of their undertaking and works connected therewith the lands and buildings herein-after described or referred to :

And whereas it is expedient that so much of Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway (New Works) Act 1881 as will be rendered unnecessary by the construction of Railway (No. 3) authorised by this Act should be abandoned :

And whereas it is expedient that the Company should be empowered to discontinue and stop up the level crossing or occupation road herein-after mentioned and to construct in lieu thereof a bridge or subway herein-after described :

And whereas it is expedient that the Company should be empowered to raise further moneys for the purposes of the works by this Act authorised :

And whereas it is expedient that the respective times limited be the Manchester Sheffield and Lincolnshire Railway and Cheshire Lines Act 1882 for the completion of Railway No. 4 authorised by the Wigan Junction Railways Act 1874 and Railway C authorised by the Wigan Junction Railways Act 1875 respectively should be further extended :

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And whereas it is expedient that the time limited by the Manchester Sheffield and Lincolnshire Railway and Cheshire Lines Act 1882 for the compulsory purchase of lands and the completion of certain works authorised by that Act should be extended:

And whereas it is expedient that the Company should be empowered to subscribe a sum of money towards the undertaking authorised by the Blackpool Railway Act 1884:

And whereas the Sheffield Victoria Hotel (herein-after referred to as the hotel) was some years since erected on lands belonging to the Company in and adjoining their station at Sheffield the capital required for erecting building and carrying on the business of the hotel having been raised in shares by a company incorporated for that purpose under the name or style of the Sheffield Victoria Hotel Company (herein-after referred to as "the hotel company"):

And whereas the hotel being within the precincts of the Company's station at Sheffield it is in the interest of the Company that the same should become the property of the Company and that they should be authorised to carry on the business of the hotel and with that intent the whole of the shares in the hotel company have been lately purchased and acquired by the Company and transferred to several individuals as trustees for the Company and the whole of the shares in the hotel company now stand in the names of nominees of the Company the full ad valorem stamp duty on the transfers of such shares having been paid thereon and it is expedient that the purchase of the said shares on behalf of the Company should be confirmed and the lands buildings property and effects of the hotel company with power to carry on the business of the hotel should be vested in the Company and that the hotel company should be dissolved:

And whereas it is expedient that provisions such as are in this Act contained should be made for constituting the capital authorised to be raised by the Company under the powers contained in the Manchester Sheffield and Lincolnshire Railway (Chester to Connah's Quay) Act 1884 a separate capital and for constituting the railways and other works authorised by that Act a separate undertaking as to outlay profits and revenue and to make other provisions in reference thereto:

And whereas it is expedient that further provision be made respecting the holding and disposal of lands belonging to the Company the Cheshire Lines Committee and the Sheffield and Midland Railway Companies Committee:

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

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And whereas plans and sections describing the several works authorised by this Act and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands in the line of the proposed works or within the limits of deviation as defined on the plans and describing those lands and plans of other lands by this Act authorised to be taken compulsorily with like books of reference thereto have been deposited with the clerk of the peace for the county of Lancaster the clerk of the peace for the county of Chester the clerk of the peace for the west riding of the county of York the clerk of the peace for the parts of Lindsey in the county of Lincoln and the clerk of the peace for the county of Derby which plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference respectively:

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

Short title.

1. This Act may be cited as the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1885.

Incorporation of Acts.

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

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

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

The Railways Clauses Consolidation Act 1845:

Parts I. and II. of the Railways Clauses Act 1863 relating respectively to the construction of a railway and to extension of time:

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

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or rendered applicable hereto have in this Act the same respective meanings unless the same be varied by this Act or unless there be something in the subject or context repugnant to such construction. And in this Act and for the purposes of this Act in any Act incorporated herewith or rendered applicable hereto the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which the term is used were a simple contract debt and not a debt or demand created by statute and the term "superior court" shall include any court of competent jurisdiction.

Power to make railways.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations sidings approaches roads works and conveniences connected therewith or incidental thereto 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 that purpose. The railways herein-before referred to and authorised by this Act are:—

(1.) A railway (distinguished on the deposited plans and sections and in this Act referred to as Railway No. 2) three miles and 2·70 chains in length commencing in the township of West Leigh in the parish of Leigh in the county of Lancaster by a junction with Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway (New Works) Act 1881 and terminating in the township of Atherton in the said parish of Leigh on the westerly side of the public road leading from Atherton to Tyldesley known as the Tyldesley Road.

(2.) A railway (distinguished on the deposited plans and sections and in this Act referred to as Railway No. 3) 7 furlongs and 4·20 chains in length (being a deviation of a portion of Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway (New Works) Act 1881) commencing in the township of Abram and parish of Wigan by a junction with the Railway No. 1 authorised by the Wigan Junction Railways Act 1874 and terminating by a junction with Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway (New Works) Act 1881.

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For the protection of the Atherton Local Board.

5. In constructing the Railway No. 2 by this Act authorised (herein-after referred to as "the railway") in the township of Atherton in the county of Lancaster the following provisions for the protection of the local board for the urban sanitary district of Atherton (herein-after called "the board") shall apply and be obligatory upon the Company (that is to say):—

1. The bridge carrying the railway over the public highway numbered 90 on the deposited plans in the parish of Leigh in the county of Lancaster shall have a clear width of forty-five feet measured between the piers or abutments thereof with a clear headway of not less than sixteen feet.
2. The bridges carrying the railway over the roads respectively numbered 145 and 148 in the said parish and on the said plans shall each have a clear width or space of thirty-six feet between the piers or abutments thereof and a clear headway of not less than fifteen feet.
3. The bridge carrying the public highway numbered 169 in the said parish on the said plans over the railway shall have a clear width between the parapets thereof of not less than thirty-six feet nor shall the said parapets be less than six feet in height and they shall have proper fences for screening the trains of the Company from the view of horses passing over the said bridge.
4. The Company shall not without the previous consent in writing of the board divert any footpaths within their district nor carry such footpaths over the said railway on the level but shall carry the same under or over the said railway as the case may be by proper and suitable footbridges with the necessary approaches thereto.
5. The Company shall at their own expense if required by the board during the time of the construction of the said railway erect and for ever thereafter maintain a bridge for carrying an intended new road over their railway at a point marked 2 miles 7 furlongs and 9·10 chains on the deposited plans or as near thereto as the board shall determine. Such bridge shall have a clear width between the parapets thereof of not less than thirty-six feet and the road over the same shall be properly screened so as to prevent the view of trains passing thereunder.
6. Whenever it is necessary to interrupt or interfere with any existing sewer or drain gas or water main the Company shall before interrupting or interfering with such sewer or drain and gas or water main construct according to a plan to be reasonably approved of by the board another sewer or drain

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gas or water main and of equal capacity with the said sewer or drain gas or water main so proposed to be interfered with and such substituted sewer or drain gas or water main shall be connected by and at the expense of the Company with any existing sewer or drain gas or water main which may be interrupted or interfered with in such manner as shall be reasonably approved of by the board.

7. If by reason of the execution of any of the powers of this Act any increased length of sewer or drain or gas or water main belonging to or under the control of the board shall become necessary the same shall be constructed by and at the expense of the Company according to plans and in such manner as shall be reasonably approved by the board.

8. If by reason of the execution of any of the powers of this Act the board shall at any time necessarily incur any cost in altering any existing sewer or drain gas or water main or in constructing and afterwards maintaining at a greater depth than would otherwise have been necessary any future sewer within or under the highway called Millers Lane the Company shall repay to the board such additional cost and the same may be recovered in default of payment in any court of competent jurisdiction.

9. The manner in which the several works mentioned and described in this section are to be carried into effect may by the consent in writing under the common seal of the board but not otherwise be from time to time varied or altered.

10. If any question or difference shall at any time arise between the Company and the board touching any of the matters provided for by this section the question in difference shall on the application of the Company or the board be referred to and determined by an arbitrator to be appointed by the President for the time being of the Institute of Civil Engineers and the decision of such last-named engineer shall be final and conclusive but the costs of such arbitration shall be borne by the Company.

For the protection of Lord Lilford.

6. In constructing Railway No. 2 by this Act authorised (hereinafter referred to as "the railway") in the said township of Atherton the Company shall make and thenceforth maintain for the protection of the Right Honourable Thomas Littleton Lord Lilford the following accommodation works (that is to say):—

1. An underbridge thirty-six feet wide and with a clear headway of fifteen feet at or near the point marked on the deposited

plans one mile two furlongs to carry the railway over Hope Street.

2. An underbridge thirty-six feet wide and with a clear headway of fifteen feet to carry the railway over Charles Street.
3. An underbridge thirty feet wide and with a clear headway of fifteen feet at or near the point marked on the deposited plans two miles.
4. A level crossing with proper approaches at the point in the field numbered on the deposited plans one hundred and sixty-three where the centre line as shown on the said plans crosses the existing occupation road.
5. An overbridge thirty feet wide between the parapets situate between the points marked on the deposited plans two miles six furlongs and two miles seven furlongs the position of such bridge to be agreed between Lord Lilford and the Company or failing agreement to be determined by arbitration in the usual way.

For protection of the London and North-western Railway Company.

7. In constructing Railway No. 2 where the same is intended to pass over the Bolton and Kenyon and under the Eccles Tyldesley and Wigan Railways of the London and North-western Railway Company (herein-after referred to as the "North-western Company") and in constructing Railway No. 3 where the same is proposed to be carried over the West Leigh Branch Extension No. 1 of the North-western Company and in constructing the said intended railways where the same shall be upon the lands of the North-western Company the following provisions shall apply and have effect:—

1. The Company shall construct the said portions of Railways Nos. 2 and 3 in such line within the limits of deviation as shall be approved by Francis Stevenson or other the principal engineer for the time being of the North-western Company (in this section called "the said principal engineer") and so as to leave undisturbed at all times the lines of railway and other works connected therewith of the North-western Company at such crossings and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said railways of the North-western Company or either of them or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Company shall pay to the North-western Company full compensation in respect thereof to be recovered with full costs in any court of competent jurisdiction.
2. The Company shall carry the said Railway No. 2 over the Bolton and Kenyon Railway by means of a wrought iron

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girder bridge with wrought iron flooring of two clear spans with a clear headway throughout of not less than fourteen feet six inches above the level of the existing rails at the point of crossing one of such spans being over the existing rails and not less than fifty feet in width measured on the square and the other of such spans being not less than twenty-six feet in width measured on the square and to be constructed on whichever side of the first mentioned span as shall be agreed upon between the said principal engineer of the North-western Company and the engineer of the Company or as in case of difference may be determined by an engineer to be appointed by the President for the time being of the Institution of Civil Engineers on the application of either company. The Company shall carry the said Railway No. 3 over the West Leigh Branch Extension No. 1 by means of a wrought iron girder bridge with wrought iron flooring of one clear span not less than sixty-two feet in width measured on the square and with a clear headway throughout of not less than fourteen feet six inches above the level of the existing rails at the point of crossing.

3. The Company shall where the said Railway No. 2 is intended to be carried under the Eccles Tyldesley and Wigan Railway of the North-western Company construct a wrought iron girder bridge with wrought iron flooring such bridge to be not less than seventy-five feet in width between the parapets measured on the square and the upper surface of such flooring and girders to be at such a level as will enable the North-western Company to construct cross-over roads points and crossings over such bridge without altering the levels of the existing rails of the said Eccles Tyldesley and Wigan Railway at the point of crossing. The Company shall construct the said bridge in such position as may be reasonably required by the engineer of the North-western Company for conveniently widening the said Eccles Tyldesley and Wigan Railway and shall if required by the North-western Company grant that company free of cost an easement thereon for laying down maintaining and using additional rails thereon. The said girder bridge shall be constructed in such manner and of such strength as to be convenient and sufficient for the construction and laying down thereover by the North-western Company of such lines of rails sidings and other works as they may deem expedient.

4. If by reason of the construction of the said Railways Nos. 2 and 3 it shall become necessary to add to or alter the signal or signals upon the said Bolton and Kenyon Railway or on the said West Leigh Branch Extension No. 1 the same shall be so added to or altered by the North-western Company and the reasonable expense thereof shall be repaid to that company by the Company.

5. The Company shall construct the said portions of railways Nos. 2 and 3 and all the works both temporary and permanent necessary and incident to the construction thereof or affecting the property and works of the North-western Company in accordance with the provisions of this section and according to plans sections and specifications and of such quality and strength of materials and in every other respect as shall be previously submitted to and approved in writing by the said principal engineer and the Company shall not commence the construction of the said portions of railways or enter upon or interfere with any land works or property belonging to or used by the North-western Company until such plans sections and specifications have been so submitted and approved: Provided always that if the said principal engineer shall for the period of one month neglect or refuse to approve such plans sections or specifications or shall disapprove the same then the said portions of railways and the said works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed upon or in default of agreement to be appointed at the request of either the Company or the North-western Company by the President for the time being of the Institution of Civil Engineers.

6. The said portions of railways and all works necessary or incident to the construction thereof or affecting the property and works of the North-western Company shall be executed by and in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the said principal engineer.

7. The Company shall not (except with the previous consent of the North-western Company under their common seal) purchase or acquire any lands or property of the North-western Company but the Company may purchase and take and the North-western Company shall sell and grant accordingly an easement or right of using so much of the

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lands of that company as may be necessary for the construction of the said portions of Railways Nos. 2 and 3 in accordance with the provisions of this section.

8. During the construction of the said portions of railways under across and adjoining and near to or affecting the railways property and works of the North-western Company the Company shall bear and on demand pay to that company all expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching their railways and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the company or their contractors or any person or persons in the employment of the company or their contractors with reference thereto or otherwise.

9. The Company shall at all times maintain the said portions of railways and all the works connected therewith and incident thereto by which the said railways shall be carried over across and adjoining the railways works and lands of the North-western Company in substantial repair and good order to the reasonable satisfaction in all respects of the said principal engineer and if and whenever the Company fail so to do the North-western Company may make and do in and upon as well the lands of the Company as their own lands all such works repairs and things as they may reasonably think requisite in that behalf and the sum from time to time certified by the said principal engineer to be the reasonable amount of such expenditure shall be repaid to the North-western Company by the Company and in default may be recovered by them from the Company with full costs in any court of competent jurisdiction.

10. Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the North-western Company all costs losses damages and expenses which may be occasioned to that company or to any of their railways works or property or to the traffic thereon or otherwise by reason of the execution or failure of the Company's railways and the works in connexion therewith or of any act or omission of the Company or of any of the persons in their employ or of their contractors or others and the Company will effectually indemnify and hold harmless the North-

western Company from all claims and demands upon or against them by reason of such execution or failure and of such act or omission.

11. The Company and the North-western Company may agree for any variation or alteration in the works in this section provided for or in the manner in which the same shall be executed.

12. Nothing in this Act contained shall extend to prejudice alter or take away any of the rights privileges or powers of the North-western Company otherwise than is herein expressly provided.

Abandonment of portion of Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway (New Works) Act 1881.

8. The Company shall abandon and relinquish the construction of so much of Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway (New Works) Act 1881 as will be rendered unnecessary by the construction of the Railway (No. 3) by this Act authorised that is to say that portion of Railway No. 1 situate between the commencement of that railway as defined in that Act and the termination of Railway (No. 3) authorised by this Act.

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

9. The abandonment by the Company under the authority of this Act of the said portion of railway 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 may have 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 Manchester Sheffield and Lincolnshire Railway (New Works) Act 1881.

Compensation to be made in respect of railway abandoned.

10. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said portion of railway 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

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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.

Power to stop up level crossing and construct subway in lieu thereof.

11. Subject to the provisions of this Act the Company may discontinue and stop up so much of a certain level crossing or occupation road over their railway called Sandfield Lane in the township and parish of Gainsborough in the county of Lincoln as lies between the easterly and westerly boundary fences of that railway and in lieu thereof the Company may in the line shown on the deposited plans and according to the levels shown on the deposited sections construct a bridge or subway under the railway 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 that purpose: Provided that the portion of the said level crossing or occupation road herein-before mentioned shall not be stopped up until the bridge or subway authorised by this Act and substituted for and in lieu thereof is opened for traffic.

Land for extraordinary purposes.

12. 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 five acres.

Imposing penalty unless railways opened within time limited.

13. If the Company fail within the period limited by this Act to complete any or either of the railways authorised by this Act the Company shall be liable to a penalty of fifty pounds for every day after the expiration of the period so limited until the uncompleted railway or railways are or 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 of the railway or railways in respect of which the penalty has been incurred and the said penalty may be applied for by any landowner or other person claiming to be compensated in reference to the railway or railways in respect of which the penalty has been incurred in accordance with the provisions of the next following section of this Act or by the solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of 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

herein-after 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 uncompleted railway or railways by unforeseen accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty.

14. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or railways in respect of which the penalty has been incurred or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purposes of that railway 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 Chancery Division of 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 Chancery Division 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 said division 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.

Power to acquire lands for general purposes.

15. 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 following delineated on the deposited plans and described in the deposited books of reference (that is to say) :—

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Certain houses lands and buildings situate in the parish of Great Grimsby in the parts of Lindsey in the county of Lincoln adjoining the Grimsby Old Dock and abutting upon Victoria Street North.

Certain other lands and buildings situate in the parish of Clee in the parts of Lindsey in the county of Lincoln lying on the east and west sides of and abutting upon the Cleethorpes Branch Railway of the Company.

Certain other lands situate in the parish of St. Oswald in the county of Chester formerly belonging or reputed to belong to Lord Kilmorey lying to the north of Brook Lane between Liverpool Road and the Chester and Birkenhead Railway and abutting upon lands belonging to the Company taken for the authorised Chester and Connah's Quay Railway.

Certain other lands situate in the township of Newton in the parish of Mottram-in-Longdendale in the county of Chester bounded upon the north-east side by and abutting upon the Peak Forest Canal of the Company and on the south-west side by land belonging or reputed to belong to Joseph Sidebotham.

Certain other lands situate in the several parishes of Manchester and Ashton-under-Lyne both in the county of Lancaster lying on the north side of the main line of the Company and between the Fairfield Station of the Company and the public highway leading from Manchester to Ashton-under-Lyne.

Restriction on displacing persons of labouring class.

16. The Company shall not under the powers of this Act or of the Manchester Sheffield and Lincolnshire Railway and Cheshire Lines Act 1882 so far as the powers for the compulsory purchase of lands and buildings for the purposes of the works described in sub-sections 1 and 4 of section 4 of that Act are by this Act extended purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until:—

(*a.*) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on

or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

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

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

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

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

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

(5.) If the 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

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

(10.) The 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.

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(11.) For the purposes of this section the expression "labouring class" 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.

Power to take easements by agreement.

17. 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 in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Railways as to tolls and otherwise to form part of the Company's undertaking.

18. The Company may demand and receive for and in respect of the railways hereby authorised the same tolls and charges as they are empowered to receive in respect of their existing railways and those railways shall in all respects be deemed part of the railways of the Company.

Power to apply corporate funds.

19. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they are for the time being authorised to raise independently of this Act and which is not required for the purposes for which the same was authorised to be raised.

Power to raise additional share capital.

20. 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 purpose of this Act not exceeding the sum of two hundred and forty thousand pounds.

Mode of raising additional share capital.

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

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

22. Subject to the provisions of this Act 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 entitled and subject to the same powers rights privileges liabilities

other shares or stock.

and incidents 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.

No share to be issued until one fifth part paid.

23. The Company shall not issue any share created under the authority of this Act 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 part of the amount of such share is paid in respect thereof.

Power to borrow.

24. The Company may in respect of the additional capital of two hundred and forty thousand pounds 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 eighty 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 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 if the said capital is raised by shares that such persons or corporations or 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.

25. All mortgages and 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 time of the passing hereof shall during the continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages to be granted by virtue of this Act and nothing in this section contained 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.

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

Appointment of a receiver.

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

Power to create debenture stock.

28. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created 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.

29. All moneys raised by the Company under 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 compulsory purchase of lands.

30. 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.

Period for completion of works.

31. The works authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall be then completed.

Extension of time for completion of certain works authorised by the Wigan

32. The time limited by the Manchester Sheffield and Lincolnshire Railway and Cheshire Lines Act 1882 for the completion of Railway No. 4 authorised by the Wigan Junction Railways Act

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1874 is hereby extended for a period of three years from the sixteenth day of July one thousand eight hundred and eighty-five.

Junction Railways Act 1874.

Extension of time for completion of certain works authorised by the Wigan Junction Railways Act 1875.

33. The time limited by the Manchester Sheffield and Lincolnshire Railway and Cheshire Lines Act 1882 for the completion of Railway C authorised by the Wigan Junction Railways Act 1875 is hereby extended for a period of three years from the sixteenth day of July one thousand eight hundred and eighty-five.

Extension of time for completion of certain works authorised by the Manchester Sheffield and Lincolnshire Railway and Cheshire Lines Act 1882.

34. The time limited by the Manchester Sheffield and Lincolnshire Railway and Cheshire Lines Act 1882 for the completion of the works described in sub-sections 1 and 4 of section 4 of that Act is hereby extended for a period of three years from the twelfth day of July one thousand eight hundred and eighty-five.

Powers not to be exercised after extended periods.

35. If the railways and works respectively mentioned in the last three 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 to be exercised except as to so much thereof as shall then be completed.

Extension of time for purchase of certain lands under the Manchester Sheffield and Lincolnshire Railway and Cheshire Lines Act 1882.

36. The powers granted to the Company by the Manchester Sheffield and Lincolnshire Railway and Cheshire Lines Act 1882 for the compulsory purchase of lands and buildings for the purposes of the works described in sub-sections 1 and 4 of section 4 of that Act and authorised thereby is hereby extended and may be exercised by the Company for and during a period of two years from the twelfth day of July one thousand eight hundred and eighty-five and on the expiration of that period those powers shall cease.

Power to Company to subscribe to undertaking authorised by the Blackpool Railway Act 1884.

37. 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 any sums which they may think fit towards the undertaking authorised by the Blackpool Railway Act 1884 not exceeding in the whole one hundred thousand pounds and the Company 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.

Votes of Company at general meetings of Blackpool Railway Company.

38. The Company whilst shareholders of the Blackpool Railway Company may by writing under their common seal from time to time appoint some person to attend any meeting of that company and such person shall have all the privileges and powers attaching to a shareholder of that company at such meetings and may vote thereat in respect of the capital held by the Company.

Confirmation of purchase of hotel at Sheffield.

39. The purchase of all shares in the hotel company made on behalf of the Company in manner herein-before recited and the expenditure in connexion therewith already incurred by the Company are hereby sanctioned and confirmed and all the lands buildings estate property and effects of the hotel company are hereby transferred to and vested in the Company and the Company may henceforth hold enjoy and carry on the business of the hotel as part of their undertaking and the hotel company is hereby dissolved the Company being hereby made liable for all the debts liabilities and engagements of the hotel company due and incurred up to the time of the passing of this Act.

Provision for separate undertaking of railways authorised by the Manchester Sheffield and Lincolnshire Railway (Chester to Connah's Quay) Act 1884.

40. If the Company shall at an extraordinary general meeting of the Company by the votes of the proprietors present personally or by proxy holding at least three fourths of the paid up capital represented at such meeting pass a resolution to the effect that it is expedient that so much of the capital to be raised by the Company under the Manchester Sheffield and Lincolnshire Railway (Chester to Connah's Quay) Act 1884 as would be applicable to the construction of the railways and works by that Act authorised be constituted a separate capital and that such railways be constituted a separate undertaking then such railways or either of them as is specified in the resolution with all lands buildings and property purchased or to be purchased for the purposes thereof shall form a separate undertaking (herein-after referred to as the separate undertaking) distinct and apart from the rest of the Company's undertaking and shall be called the Chester and Connah's Quay undertaking or by some other distinctive name and the Company may accordingly construct work manage and maintain the said railways and works: Provided that if the separate undertaking be constituted as herein provided the capital required therefor or applicable thereto shall be raised as ordinary capital only and not as preference capital.

Management of separate undertaking.

41. The directors of the Company may make such regulations and byelaws as they think necessary as to the control working and management of the separate undertaking and as to the exercise of

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the powers by this Act conferred on the Company in respect of such separate undertaking and they and any committees appointed by them for the purpose of that undertaking shall have and may exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to any other part of the Company's undertaking.

Exemption of separate undertaking from liabilities affecting general undertaking.

42. The separate undertaking and the revenues arising therefrom shall not be liable for the principal or interest of any mortgage or debenture debt or other charge on any other part of the Company's undertaking.

Separate accounts.

43. Separate accounts shall be kept of the capital and revenue of the separate undertaking and of the payments made in respect thereof in the same form and subject to the same conditions as nearly as may be as if the separate undertaking belonged to an independent company.

Repayment to general undertaking of money spent for purposes of separate undertaking.

44. The directors of the Company may from time to time make such provision as to them seems expedient for repayment by the separate undertaking to the general undertaking of the Company of money expended or to be expended out of the revenue or capital of the general undertaking for any of the purposes of the separate undertaking.

Separate undertaking to be worked in an efficient manner.

45. After the opening of the separate undertaking for public traffic the Company shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic of the district to be served by the said undertaking. In case any difference shall arise between the Company and any of the holders of stock or shares in the separate capital with respect to the working or non-working or insufficient working by the Company of the said undertaking or otherwise in relation thereto whereby the holders of such shares or stock deem themselves to be injuriously affected such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and such arbitrator shall have full power to settle and determine any such difference and to order the Company to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such arbitration as he shall think just. In case the Company make default in complying with any such order within the time thereby prescribed then and in every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding fifty pounds for every day after the first during which such default shall continue.

Power to merge separate undertaking in general undertaking.

46. The Company may if they think fit at any time or times by resolution passed at an extraordinary general meeting by such majority of votes as aforesaid and on a similar resolution being passed at a like meeting and by a like majority of votes as aforesaid resolve that the separate capital and undertaking or any part thereof shall be merged in the general undertaking of the Company and thereupon the separate capital and undertaking or such part thereof as is specified in the resolution shall be so merged accordingly subject to such terms and conditions as may be specified in such resolution: Provided that notice of this section shall be endorsed on all mortgages and on all debenture stock share and stock certificates granted created or issued by the Company in pursuance or under the powers of the Manchester Sheffield and Lincolnshire Railway (Chester to Connah's Quay) Act 1884.

Extending period for sale of superfluous lands of Company.

47. The Company may notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Company with which that Act is incorporated retain and hold any lands belonging to them in the parishes townships or places mentioned in the First Schedule to this Act which have not yet been applied or are not yet required for the purposes of the Company for the periods following (that is to say): As regards such of the lands as are situate near to or adjoining any station of the Company or may in the opinion of the Company be required by them for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the residue of the said lands for the period of three years from the passing of this Act but the Company shall at the expiration of such 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.

Extending period for sale of superfluous lands of Cheshire Lines Committee.

48. The Cheshire Lines Committee may notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any Act relating to that committee with which that Act is incorporated retain and hold any lands belonging to them in the parishes townships or places mentioned in the Second Schedule to this Act which have not yet been applied or are not yet required for the purposes of that committee for the periods following (that is to say): As regards such of the lands as are situate near to or adjoining any station of that committee or may in the opinion of that committee be required by them for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the residue of the said lands for the period of three years from the passing of this Act but that committee shall

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at the expiration of such 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.

Extending period for sale of superfluous lands of Sheffield and Midland Railway Companies Committee.

49. The Sheffield and Midland Railway Companies Committee may notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any Act relating to that committee with which that Act is incorporated retain and hold any lands belonging to them in the parishes townships or places mentioned in the Third Schedule to this Act which have not yet been applied or are not yet required for the purposes of that committee for the periods following (that is to say): As regards such of the lands as are situate near to or adjoining any station of that committee or may in the opinion of that committee be required by them for the purposes of stations sidings or other conveniences for the period of ten years from the passing of this Act and as regards the residue of the said lands for the period of three years from the passing of this Act but that committee shall at the expiration of such 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.

Power to lease certain lands.

50. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 the Company may demise or lease for any term of years not exceeding ninety-nine any lands and buildings belonging to them at Grimsby in the county of Lincoln and in the parish of Ordsall in the county of Nottingham which are not at the time of the demise required to be used for the purposes of their undertaking subject to such rent or rents covenants and conditions as to the erection of buildings or otherwise as the Company and any lessee or lessees may agree upon Provided that in every such demise or lease there be contained a covenant by the lessee for the surrender of the lands demised or any part thereof to the Company in case such lands or any part thereof should during the term of the lease be required for the purposes of the Company's undertaking and such covenant shall provide that the compensation to be made to the lessee in respect of any such surrender shall in default of agreement be ascertained by arbitration according to the provisions of the Lands Clauses Consolidation Act 1845.

Power to sell certain lands on chief rent.

51. Notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 relating to superfluous lands the Company may from time to time sell and dispose of on chief rent or chief rents and subject to such covenants and conditions as to the erection

of buildings and otherwise as they may think fit any lands in the parish of St. Oswald in the county of the city of Chester which may have been acquired by the Company and which the Company shall under their common seal declare are not required to be used for the purposes of their undertaking.

Interest not to be paid on calls paid up.

52. No interest or dividend shall be paid out of any share or loan 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 the 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.

53. 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.

Provisions as to general Railway Acts.

54. Nothing in this Act contained shall exempt the Company 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 authorised by this Act.

Costs of Act.

55. 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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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Parishes in which the superfluous lands of the Company are situate

West Riding of Yorkshire.

Penistone.
Silkstone.
Ecclesfield.
Sheffield.
Handsworth.
Thorpe Salvin.
Barnby Don.
Darfield.
Doncaster.
Royston.
Thorne.

Nottinghamshire.

Worksop.
Ordsall.
Clarborough.
Sturton-le-Steeple.
Bole.

Lincolnshire

Gainsborough.
Blyton-cum-Wharton.
Kirton-in-Lindsey.
Great Grimsby.
Goxhill.
Barton upon Humber.
North Kelsey.

Cheshire.

Prestbury.
Wilmslow.
Knutsford.

THE SECOND SCHEDULE.

Parishes in which the superfluous lands of the Cheshire Lines Committee are situate:

Lancashire.

Eccles.
Flixton.
Warrington.
Prescot.
Childwall.
Liverpool.
Walton-on-the-Hill.
Toxteth Park extra parochial.

Cheshire.

Stockport.
Bowdon.
Great Budworth.
Frodsham.
Thornton-in-the-Moors.
Plemstal.
St. Oswald.

THE THIRD SCHEDULE.

Parishes in which the superfluous lands of the Sheffield and Midland Railway Companies Committee are situate:

Derbyshire.

Glossop.

Cheshire.

Stockport.

Lancashire.

Manchester.
Prescot.
Childwall.

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1885.