

[53 & 54 VICT.] *Manchester, Sheffield, and Lincolnshire Railway Act, 1890.* [Ch. cxxxvi.]



**CHAPTER cxxxvi.**

An Act to authorise the Manchester Sheffield and Lincolnshire Railway Company to make new Railways to confer further powers on the Company in connexion with their Undertaking and for other purposes. [25th July 1890.] A.D. 1890.

**W**HEREAS it is expedient that the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Company") be authorised to construct and maintain in connexion with their undertaking the railways bridges and other works herein-after 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 herein-after 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 so much of Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway Act 1889 as will be rendered unnecessary by the construction of the deviation railway by this Act authorised should be abandoned :

And whereas it is expedient that the Company should be empowered to stop up and discontinue as a street or highway a certain portion of a public road in the township of Openshaw in the parish of Manchester in the county of Lancaster and to substitute in lieu thereof and between the same points a bridge for foot passengers :

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

And whereas it is expedient that the agreement between the Liverpool Southport and Preston Junction Railway Company the

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A.D. 1890. — West Lancashire Railway Company and the Company set forth in the schedule to this Act be confirmed:

And whereas it is expedient that the time limited by the Manchester Sheffield and Lincolnshire Railway Act 1887 for the completion of the widening and improvement of the main line of the Company described in sub-section 1 of section 4 of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1866 and authorised thereby should be further extended:

And whereas it is expedient that the time limited by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1888 for the construction and completion of certain railways and works respectively described in sub-sections 1 2 8 and 9 of section 4 of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1883 and authorised thereby should be further extended:

And whereas it is expedient that the time limited by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1885 for the completion of the railways and works authorised by that Act should be extended:

And whereas it is expedient that the respective times limited by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1888 for the compulsory purchase of lands and buildings for the purposes of the works described in sub-sections 1 2 8 and 9 of section 4 of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1883 and in section 4 of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1885 respectively should be further extended:

And whereas it is expedient that the time limited by the Manchester Sheffield and Lincolnshire Railway Act 1889 for the compulsory purchase of lands houses and buildings described in section 20 of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1886 should be further extended:

And whereas plans and sections showing the lines and levels of the railways and works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands 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 counties of Lancaster Lincoln Derby Chester and the west riding of the county of York and are herein respectively referred to as the deposited plans sections and books of reference:



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And whereas the objects aforesaid cannot be attained without the authority of Parliament: A.D. 1890.

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:—

1. This Act may be cited for all purposes as the Manchester Sheffield and Lincolnshire Railway Act 1890. Short title.

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

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

- 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 nonpayment 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 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.

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 Interpretation of terms.

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A.D. 1890. — such construction and in and for the purposes of this Act the expression “the railway” means the railways 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 rail-  
ways 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 bridges 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 for the purposes of Railway No. 5 except by agreement with the owners lessees and occupiers thereof but nothing herein contained shall prevent or interfere with the carrying of that railway across any turnpike road public highway or railway The railways bridges and works herein-before referred to and authorised by this Act are—

A railway (No. 4) 4 miles 3 furlongs 5 chains 10 links in length wholly in the county of Derby commencing in the parish of Chesterfield by a junction with Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway Act 1889 and terminating in the parish of Heath by a junction with Railway No. 9 authorised by that Act ;

A railway (No. 5) 5 furlongs 6 chains 60 links in length wholly in the parish of Chesterfield in the county of Derby commencing by a junction with the intended Railway No. 4 and terminating in a field numbered 567 upon the 25-inch scale Ordnance map of Derbyshire Eastern Division Sheet No. XXV. 15 ;

A deviation railway 2 miles 1 furlong 2 chains in length (being a deviation of a portion of Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway Act 1889) wholly in the county of Derby commencing in the parish of Staveley and terminating in the parish of Chesterfield ;

A bridge commencing on the westerly side of Bessemer Street in the township of Openshaw in the parish of Manchester in the county of Lancaster and terminating on the easterly side of that street ;



Another bridge commencing on the westerly side of Bessemer Street aforesaid and terminating on the easterly side of that street ; A.D. 1890.

A widening alteration and improvement of the bridge carrying the main line of railway of the Company over a certain road in the township of Openshaw in the parish of Manchester in the county of Lancaster known as Clayton Lane South.

6. The following provisions for the benefit and protection of the mayor aldermen and citizens of the city of Manchester in the county of Lancaster (in this section called "the corporation") with reference to the bridges over Bessemer Street and Clayton Lane South both in the township of Openshaw by this Act authorised and herein-after referred to as the said bridges and works shall unless otherwise agreed be binding upon the Company and full effect shall be given thereto:— For protection of the corporation of Manchester.

(1) The piers or abutments and foundations of the said bridges and works shall be carried below the surface of the ground to the depth of the underside of any water or gas pipes of the corporation as now laid ;

(2) In constructing the said bridges and works connected therewith suitable arrangements shall be made by and at the cost of the Company for the protection of the present gas and water mains and pipes of the corporation in accordance with plans to be submitted to and approved by the engineer to the water-works committee of the corporation ;

(3) Notwithstanding anything in this Act contained the Company shall be responsible for and make good to the corporation all costs losses and damages which they may sustain by reason of the bursting breakage leakage or other injury to the gas and water mains and pipes of the corporation caused by or in consequence of the construction maintenance or failure of the said bridges and works or of any act or omission of the Company or any person in their employ or of their contractors or others and will effectually hold harmless and indemnify the corporation from all claims and demands upon or against them by reason of such construction maintenance or failure or any such act or omission ;

(4) Whenever in the construction or maintenance of the said bridges and works it shall be necessary to alter or interfere with or disturb any of the gas water or other mains or pipes or apparatus belonging to the corporation such alteration interference or disturbance together with such additional works as may be necessary for the effectual continuance of the supply of



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gas or water shall be carried out by and under the direction of the corporation but at the expense in all respects of the Company ;

- (5) All and singular sum and sums of money herein provided to be paid by the Company to the corporation may be recovered by the corporation as a simple contract debt in any court of competent jurisdiction.

Running powers to London and North-western Railway Company.

7. The London and North-western Railway Company may have and exercise over the Railways Nos. 4 and 5 and the deviation railway by this Act authorised the same 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 and made between the London and North-western Railway Company and the Company subject in all respects to the terms conditions and restrictions contained in that agreement.

Running powers to Great Northern Railway Company.

8. The Great Northern Railway Company (herein-after called "the Great Northern Company") may have and exercise over the Railways Nos. 4 and 5 and the deviation railway by this Act authorised the same powers and privileges as are conferred on the Great Northern Company by the 10th section of the Manchester Sheffield and Lincolnshire Railway Act 1889 (herein-after referred to as "the Act of 1889") and in addition thereto the following provisions with reference to the exercise of the running powers granted by this Act to the Great Northern Company and the mutual running powers granted by the Company and the Great Northern Company to each other over their respective railways by the Act of 1889 shall apply and be obligatory upon the Company and the Great Northern Company respectively viz. :—

- (1) The Company on the one hand and the Great Northern Company on the other hand shall respectively afford to each other all such reasonable facilities and accommodation as regards traffic of all kinds as is usual between railway companies for the convenient exercise by the Company and the Great Northern Company respectively of the running powers granted to them under the powers of this Act and the Act of 1889 as well as for the convenient conduct and exchange of traffic passing or destined to pass between the respective systems of the two companies and the Company and the Great Northern Company respectively shall be entitled to have their own clerks officers and servants at any of the stations of the other company used by them under the provisions of this Act or the Act of 1889 and shall respectively afford to each



other all reasonable accommodation for such clerks officers and servants ; A.D. 1890.

(2) The terms and regulations to which the Company and the Great Northern Company shall respectively be subject in respect of the use by one company of the stations on the railway of the other company under the terms of this enactment and the services to be rendered and the accommodation to be afforded thereat whether for goods or passengers and the charges to be paid by them (but as regards goods stations only where the arbitrator shall by reason of special or separate accommodation or otherwise consider the terminals mentioned in the 10th section of the Act of 1889 are not a sufficient remuneration) and any other question arising out of the user of the said stations shall be determined by mutual agreement between the Company and the Great Northern Company respectively or failing agreement shall be determined by arbitration as herein-after provided Provided nevertheless that in case either the Company or the Great Northern Company shall cart and invoice or either goods traffic from any station or stations of the other of those two companies the company so carting and invoicing or either shall be allowed a sum not exceeding the actual cost of such cartage or invoicing to be agreed or in case of dispute settled by arbitration as herein-after provided ;

(3) Subject to the provisions contained in sub-section 3 of section 10 of the Act of 1889 whether the running powers conferred by that Act or this Act are exercised or not there shall be a complete system of through rates and fares between the systems of the Company and the Great Northern Company viâ the junction with the railway of the Great Northern Company at Annesley including so far as the two companies or either of them have power any lines owned jointly by either company with any other company such through rates and fares to be fixed in case of difference by arbitration as herein-after provided and to be divided (subject to the provisions contained in sub-section 4 of section 10 of the Act of 1889 with respect to certain traffic) by mileage after deduction of the terminals paid-ons paid-outs proportions payable to other companies and Government duty as is mentioned in sub-section 3 of section 10 of the Act of 1889 ;

(4) If any difference shall at any time arise between the Great Northern Company and the Company under the said section 10 of the Act of 1889 or under this section such difference shall from time to time be determined by an arbitrator to be ap-

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pointed by the Board of Trade on the application of either of the said companies and the decisions of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct;

- (5) Nothing in this Act shall take away alter or prejudicially affect the rights or interests of the Company or the Great Northern Company under an 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.

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 railway (No. 4) hereby authorised and with respect to the making and maintaining of that railway shall unless with the previous consent of the Midland Railway Company (herein-after called "the Midland Company") in writing under their common seal be exercised only subject to and in accordance with the following provisions:—

- (1) The Company shall not without in every case the previous consent of the Midland Company in writing under their common seal take use enter upon or interfere with any land railway siding or other work from time to time belonging to or worked by that company except only so far as shall be necessary for the purpose of making and maintaining the said railway as the same is 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 bridge carrying Railway No. 4 under the Midland Company's Boythorpe Colliery Branch shall be constructed of a clear width between the parapets of 28 feet The bridge carrying Railway No. 4 under the main line of the Midland Railway Company shall be constructed of a clear width between the parapets of 60 feet measured on the square;
- (4) 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 either of the bridges carrying Railway No. 4 under the Midland Railway to be widened to any extent not exceeding 26 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 ;

- (5) The said Railway No. 4 where the same will cross or otherwise interfere with any railway siding or other work belonging to or worked by the Midland Company shall subject to the foregoing provisions of this enactment be constructed according to plans sections and specifications to be previously approved by the principal engineer for the time being of the Midland Company who shall report thereon within one month after the same shall have been submitted to him and any difference thereon between him and the principal engineer for the time being of the Company shall (subject as aforesaid) be determined by arbitration in manner herein-after provided ;
- (6) The Company shall take all such precautions in the execution of their works as will prevent so far as possible any interference with the free uninterrupted and safe use in the ordinary manner and at the ordinary rate of speed of any railway siding or other work belonging to the Midland Company ;
- (7) 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 ;
- (8) 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



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court of competent jurisdiction And if any interruption shall be occasioned to the traffic of or upon any such railway siding or other works 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 ;

(9) The Company shall at all times maintain the bridges or other works by which their railway is carried 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 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 ;

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

(11) 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 railways by this Act authorised the Company shall afford to the Midland Company all reasonable and proper facilities for the construction of such bridges according to plans to be agreed between the principal engineers of the two companies for the time being or in



case of difference to be determined by arbitration as hereinafter provided ;

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(12) 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.

10. The Company shall abandon and relinquish the construction of so much of Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway Act 1889 as will be rendered unnecessary by the construction of the deviation railway by this Act authorised (that is to say) That portion of Railway No. 1 situate between the commencement and the termination of the deviation railway authorised by this Act.

Abandonment of portion of Railway No. 1 authorised by the Manchester Sheffield and Lincolnshire Railway Act, 1889.

11. 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 Act 1889.

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

12. 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 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.

Compensation to be made in respect of railway abandoned.

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

**13.** Subject to the provisions of this Act the Company may discontinue and stop up so much of a certain level crossing over their railway leading from Thornton College to Thornton Curtis in the parish of Thornton Curtis in the parts of Lindsey in the county of Lincoln and adjoining the Thornton Abbey Station on that railway as lies between the south-westerly and north-easterly 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 new road wholly in the parish of Thornton Curtis commencing by a junction with the said road leading from Thornton College to Thornton Curtis and terminating by a junction with another road leading from Thornton College to Barrow 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.

Stopping up of portion of Wellington Street Manchester.

**14.** Subject to the provisions of this Act the Company may stop up and discontinue as a highway so much of a certain street or road in the township of Openshaw in the parish of Manchester in the county of Lancaster called Wellington Street as lies between the north side of the Company's main line of railway in the parish of Openshaw and a point in the said street distant seventy yards or thereabouts from the northerly side of a bridge which carries the sidings of the Company over that street and in lieu of the portion of street or road so intended to be stopped up and between the same points the Company may erect a bridge for foot passengers.

Extinguishment of rights of way.

**15.** All rights of way over or along the roads level crossing or other highways or portions thereof which shall under the provisions of this Act be stopped up and all rights of way over any of the lands which shall under the compulsory powers of this Act be purchased or acquired shall be and the same are hereby extinguished.

As to vesting of site and soil of portions of roads &c. stopped up.

**16.** Subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway the site and soil of the portions of roads level crossing and highways stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall if the Company are or if and when under the powers of this Act they become the owners of the lands on both sides thereof be wholly and absolutely vested in the Company and they may appropriate the same to the purposes of their undertaking.

Roads not to be stopped up till new road opened.

**17.** No road level crossing or footpath or portion of road level crossing or footpath which is by this Act authorised to be stopped up shall be so stopped up unless and until the new road footbridge



or other work which is by this Act authorised to be substituted therefor is completed and opened to the public. A.D. 1890.

**18.** The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding 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. Land for extraordinary purposes.

**19.** 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) :— Power to Company to acquire lands for general purposes.

Certain lands houses and buildings situate in the borough and parish of Great Grimsby in the parts of Lindsey in the county of Lincoln fronting to the Old Market Place and Bethlehem Street and near to Grimsby Town Station ;

Certain other lands houses and buildings in the parish of Frodingham in the parts of Lindsey in the county of Lincoln lying on the south side of and adjoining the Keadby Branch Railway of the Company near to Frodingham Station on that railway ;

Certain other lands houses and buildings in the parish of Mottram-en-Longdendale in the county of Chester abutting upon the south side of the railway of the Company and near to Mottram Station ;

Certain other lands houses and buildings situate in the township of Marple in the parish of Stockport in the county of Chester situate and adjoining the Peak Forest Canal of the Company ;

Certain other lands houses and buildings situate in the parish of Staveley in the county of Derby adjoining the lands respectively numbered 90 91 92 110 and 112 on the deposited plans for the parish of Staveley referred to in the Manchester Sheffield and Lincolnshire Railway Act 1889.

**20.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and 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 Power to take easements &c. by agreement.



A.D. 1890. of the said 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.

Restrictions  
on displacing  
persons of  
labouring  
class.

21.—(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 respective fifteenth day of December aforesaid or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that day residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

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

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

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

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

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned



requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1890.

(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 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

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A.D. 1890. 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 or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed 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 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 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 apply corporate funds to purposes of Act.

22. 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.

23. 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 two hundred thousand pounds.

Mode of raising additional share capital.

24. 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.



A.D. 1890.

**25.** 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.

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

**26.** 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.

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

**27.** 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.

Receipt clause in case of persons not sui juris.

**28.** 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 sixty 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 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.

Power to borrow.



A.D. 1890.

Existing mortgages to have priority.

**29.** 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.

**30.** 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.

**31.** 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 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.

**32.** 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.

**33.** 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.

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



**35.** 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 the 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 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 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 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.

A.D. 1890.

Imposing penalty unless railway opened within the time limited.

**36.** 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 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

Providing for application of penalty.



[Ch. cxxxvi.] *Manchester, Sheffield, and Lincolnshire Railway Act, 1890.* [53 & 54 VICT.]

A.D. 1890. — the 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 and 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.

**37.** 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 except as to so much thereof as may be then completed.

Tolls for use of railway.

**38.** The Company may demand and take for the use of the railway by this Act authorised 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 and the railway hereby authorised shall in all respects be deemed part of the railway of the Company.

Agreement set forth in schedule confirmed.

**39.** The agreement between the Liverpool Southport and Preston Junction Railway Company the West Lancashire Railway Company and the Company as the same is set forth in the schedule to this Act is hereby confirmed and made binding upon the parties thereto and may and shall be carried into effect.

For the protection of the Southport and Cheshire Lines Extension Railway Company.

**40.** The confirmation of the agreement set forth in the schedule to this Act shall not prejudice or affect the rights of the Southport and Cheshire Lines Extension Railway Company under the agreement contained in the Third Schedule to the Southport and Cheshire Lines Extension Railway Act 1889.

Extension of time for completion of certain works authorised by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1866.

**41.** The time limited by the Manchester Sheffield and Lincolnshire Railway Act 1887 for the completion of the widening and improvement of the main line of the railway of the Company authorised by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1866 and described in sub-section 1 of section 4 of that Act is hereby further extended for three years from the fourteenth day of June one thousand eight hundred and ninety and that period shall for the purposes of section 9 of the Manchester Sheffield and Lincolnshire Railway Act 1875 be deemed to be the period originally limited by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1866 for the completion of that widening and improvement.



**42.** The time limited by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1888 for the construction and completion of the railways and works respectively described in sub-sections 1 2 8 and 9 of section 4 of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1883 and authorised thereby is hereby further extended for three years from the second day of August one thousand eight hundred and ninety-one and that period shall for the purposes of section 27 of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1883 be deemed to be the period originally limited by that Act for the construction and completion of those railways and works.

A.D. 1890.  
 Extension of time for the construction of railways and works authorised by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1883.

**43.** The time limited by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1885 for the construction and completion of the railways and works described in section 4 of that Act and authorised thereby is hereby extended for a period of three years from the sixteenth day of July one thousand eight hundred and ninety and that period shall for the purposes of section 13 of that Act be deemed to be the period thereby originally limited.

Extension of time for completion of the railways and works authorised by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1885.

**44.** 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 except as to so much thereof as shall then be completed.

Powers not to be exercised after extended periods.

**45.** The powers granted to the Company by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1883 for the compulsory purchase of lands and buildings for the purposes of the works described in sub-sections 1 2 8 and 9 of section 4 of that Act are hereby further extended and may be exercised by the Company for and during a period of two years from the second day of August one thousand eight hundred and ninety and on the expiration of that period those powers shall cease.

Extension of time for purchase of lands under the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1883.

**46.** The powers granted to the Company by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1885 for the compulsory purchase of lands for the purposes of that Act are hereby further extended and may be exercised by the Company for and during a period of one year from the sixteenth day of July one thousand eight hundred and ninety and on the expiration of that period those powers shall cease.

Extension of time for purchase of lands under the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1885.



[Ch. cxxxvi.] *Manchester, Sheffield, and Lincolnshire Railway Act, 1890.* [53 & 54 VICT.]

A.D. 1890.

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

For the protection of Roger Leigh.

**47.** 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 further 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 ninety and on the expiration of that period those powers shall cease.

**48.** In case Roger Leigh or the owner for the time being of the Whitley Hall Estate shall have made the road referred to in the 20th section of the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1888 before the Company shall have taken the land requisite for the construction of their railway and the bridge and approaches in the said section referred to and before they shall have made such bridge and approaches thereto the said Roger Leigh or other the owner aforesaid shall not in any way be prejudiced and the Company shall with and in addition to the compensation payable in respect of the land so taken recoup to the said Roger Leigh or other the owner aforesaid who may be entitled thereto so much of the expense incurred in making the road and the works connected therewith on the said Whitley Hall Estate as may be rendered useless or unnecessary by the construction of the said bridge and approaches.

Interest not to be paid on calls paid up.

**49.** 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.

**50.** 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.

**51.** 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



[53 & 54 VICT.] *Manchester, Sheffield, and Lincoln-* [Ch. cxxxvi.]  
*shire Railway Act, 1890.*

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. 1890.

**52.** 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. Costs of Act.

A.D. 1890.

The **SCHEDULE** referred to in the foregoing Act.

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AN AGREEMENT made the twelfth day of April one thousand eight hundred and eighty-nine between THE LIVERPOOL SOUTHPORT AND PRESTON JUNCTION RAILWAY COMPANY (herein-after called "the Liverpool Junction Company") of the first part THE WEST LANCASHIRE RAILWAY COMPANY (herein-after called "the West Lancashire Company") of the second part and THE MANCHESTER SHEFFIELD AND LINCOLNSHIRE RAILWAY COMPANY (herein-after called "the Sheffield Company") of the third part.

WHEREAS by the West Lancashire Railway Act 1871 the West Lancashire Railway Company was incorporated and authorised to make and maintain the West Lancashire Railway which is a railway from Southport to Preston in the county of Lancaster and by the West Lancashire Railway Act 1872 the West Lancashire Company were authorised to construct additional lines of railway to connect the lines authorised in 1871 with the Lancashire and Yorkshire Railway and to run over and use the Lancashire and Yorkshire Railway between the junction therewith of the Railway No. 3 authorised by the Act now in recital and the station at Blackburn in the county of Lancaster belonging to the Lancashire and Yorkshire Railway Company including that station :

And whereas by the Liverpool Southport and Preston Junction Railway Act 1884 the Liverpool Southport and Preston Junction Railway Company was incorporated and authorised to make and maintain the railways in that Act mentioned (by which the West Lancashire Railway is connected with the Liverpool Junction and the Southport and Cheshire Lines Extension Railway in the parish of Halsall) :

And whereas the Cheshire Lines Committee are the lessees of the said Southport and Cheshire Lines Extension Railway and by means of the said railways and the railways of the Cheshire Lines Committee there is a complete route for traffic of all kinds between Liverpool and Preston and Blackburn and all places on the system of the Sheffield Company and the Cheshire Lines Committee :

And whereas the Sheffield Company have as one of the joint owners of the railways forming the system belonging to the Cheshire Lines Committee the right to run over and use those railways :

And whereas by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1883 the Sheffield Company were authorised to



[53 & 54 VICT.] *Manchester, Sheffield, and Lincoln-* [Ch. cxxxvi.]  
*shire Railway Act, 1890.*

maintain and construct the railways described as Nos. 1 and 2 in that Act which form junctions with the West Lancashire Company's Railway and by the same Act the Sheffield Company are authorised to run over and use with their engines carriages and waggons officers and servants the railways of the West Lancashire Railway Company upon the terms in that Act mentioned :

A.D. 1890.

And whereas the Liverpool Junction and the West Lancashire Companies with the object of developing the traffic over their railways by means of the lines belonging to and used by the Sheffield Company have agreed with the Sheffield Company to grant to them the right to run over and use the undertakings of the Liverpool Junction and West Lancashire Companies respectively in manner herein-after mentioned :

Now these presents witness that in consideration of the premises it is hereby mutually agreed and declared by and between the parties hereto for themselves their respective successors and assigns as follows (that is to say) :—

1. The Liverpool Junction and West Lancashire Companies hereby severally grant to the Sheffield Company and their successors the right to run over and use with their engines and carriages of every description and with their clerks officers and servants all or any part of the railways of the Liverpool Junction and the West Lancashire Companies respectively together with the stations engine sheds watering places water booking offices warehouses landing-places sidings works and conveniences connected therewith.

Power to Sheffield Company to run over railways of the Liverpool Junction and West Lancashire Companies.

2. In exercising the running powers by this agreement granted to the Sheffield Company the Sheffield Company may and shall be at liberty to fix their own through rates and fares which rates and fares shall be divided by mileage (such mileage being calculated according to the actual distance run) between the Sheffield Company and the railway company whose lines are run over under powers of this agreement the mileage proportion attributable to the railway or portion of railway run over of the gross receipts arising from the exercise of such running powers shall be ascertained after deduction of the usual Clearing House or such other terminals as are herein-after provided for and also of paid-ons paid-outs proportions paid or due to other companies and Government duty and when so ascertained shall be divided as regards through traffic in the following proportions (that is to say) As to the share attributable to the West Lancashire Company in such proportions as may be agreed upon between the Company and the West Lancashire Company with the assent of the holders of two thirds in value of first debenture stock in the West Lancashire Company or as may be settled by arbitration the holders of the said first debenture stock having the right to be heard before the arbitrator and as to the share attributable to the Liverpool Junction Company 60 per cent. to that company and 40 per cent. to the Sheffield Company and as regards such local traffic (that is traffic from one station of the Liverpool Junction Company or of the West Lancashire Company to another station on the same company's line) as the Sheffield Company may carry in the proportion of 75 per cent. to the Liverpool Junction or West Lancashire Company and 25 per cent. to the Sheffield Company Provided always that notwithstanding anything contained in the Liverpool Southport

Fixing of rates and division of receipts.



[Ch. cxxxvi.] *Manchester, Sheffield, and Lincolnshire Railway Act, 1890.* [53 & 54 VICT.]

A.D. 1890. — and Preston Junction Railway Act 1884 no greater sum shall in the settlement and division of any through rate between the Sheffield Company and the Liverpool Junction Company be charged or allowed as a payment to the Southport and Cheshire Lines Extension Railway Company for the use of their railway than a sum equal to a mileage proportion calculated according to the actual distance only run over that railway. Provided also that either party may by giving six months notice in writing to the other of them such notice to expire at a period of five years from the date hereof or at any subsequent period of five years revise and alter so much of the terms of this agreement as relate to the proportion to be paid to the Sheffield Company for working expenses such proportion in no case being less than the actual expenses incurred by the Sheffield Company in working the traffic.

Accounts to be settled monthly.

3. All accounts of traffic carried and conveyed under the provisions of this agreement shall be settled monthly between the several parties hereto in accordance with the regulations of the Clearing House from time to time in force.

As to terminals.

4. Any terminal allowances to be made or allowed to the Liverpool Junction Company or the West Lancashire Company as the case may be by the Sheffield Company on all goods and mineral traffic at the stations on the railways by this agreement authorised to be run over and used by the Sheffield Company shall if not agreed upon be settled by arbitration in manner herein-after provided. Provided also that if the Sheffield Company shall at any time hereafter require the Liverpool Junction Company to provide any special or exclusive accommodation for the use of the Sheffield Company at any station on the railway of the Liverpool Junction Company the Liverpool Junction Company shall provide the same upon such terms or conditions as shall be agreed or settled upon or failing agreement by arbitration in manner herein-after described.

Proviso as to increased accommodation required by Sheffield Company on railways run over.

Sheffield Company may employ their own clerks &c.

5. The Sheffield Company may from time to time employ at all or any of the stations on the railways by this agreement empowered to be run over their own clerks and carting agents and the Liverpool Junction and West Lancashire Companies respectively shall so far as possible provide all proper and needful accommodation for such clerks and carting agents at such respective stations and the apportionment of the terminal charges in respect of traffic at such stations shall if not agreed be determined by arbitration as herein-after described.

Sheffield Company to observe byelaws.

6. The Sheffield Company in using or traversing the railways or any part thereof which by this agreement they are empowered to run over and use and in using the stations and conveniences thereof in accordance with the provisions herein-before contained shall at all times observe the reasonable regulations and byelaws for the time being in force on the railway over which they are running so far as such byelaws shall be applicable to the Sheffield Company when exercising the said powers.

Arbitration.

7. Any dispute or difficulty which may from time to time arise between the Sheffield Company on the one hand and the Liverpool Junction Company and the West Lancashire Company or either of them on the other hand with respect to the true intent and meaning of the provisions in this agreement



[53 & 54 VICT.] *Manchester, Sheffield, and Lincolnshire Railway Act, 1890.* [Ch. cxxxvi.]

and which are by this agreement in case of difference to be settled by arbitration in case of difference shall be settled by arbitration in the manner provided by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration. A.D. 1890.

8. The parties hereto or any or either of them may apply in the next or any subsequent session of Parliament for an Act to confirm this agreement and the other party or parties hereto shall concur in such application but this agreement shall be subject to such alterations as Parliament may think fit to make therein nevertheless if any material alteration be made therein by Parliament either of the parties may elect to vacate this agreement. Agreement to be confirmed by Parliament.

In witness whereof the respective companies have hereunto caused their respective common seals to be affixed the day and year first before written.

The common seal of the before-named Manchester Sheffield and Lincolnshire Railway Company was hereunto affixed in the presence of

JOHN W. MACLURE  
A Director of the Company.



G. COLMAN  
Secretary.



G. COLMAN  
Secretary.



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