

A.D. 1894. deviations are substituted and it is expedient that the Company be empowered to apply a portion of their capital to the purposes of such alterations and diversions :

And whereas it is expedient that the time limited by the Act of 1891 for purchasing land and completing some of the railways authorised by that Act should be extended :

And whereas the cost of the section of the Company's railway between Chesterfield and Lincoln mentioned in section 20 of the Act of 1891 now in course of construction will exceed by at least five hundred thousand pounds the amount of the relative capital mentioned in the same section and it is expedient that the Company be authorised to borrow in respect of the share capital required to be raised to meet such excess :

And whereas it is expedient to reduce the quorum of meetings of the directors of the Company :

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

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

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

Short title.

1. This Act may be cited as the Lancashire Derbyshire and East Coast Railway Act 1894.

Incorporation of Acts.

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

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 ;

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

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

A.D. 1894.
Interpreta-
tion.

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

Power to
alter line and
levels of
portions of
authorised
railways.

- (1) An alteration in the parish of Elmton in the county of Derby of the levels of a portion of Railway No. 12 described in and authorised by the Act of 1891 where that railway is carried over the road called Frithwood Lane which is numbered 8 in the said parish in the deposited plans and books of reference referred to in the said Act such alteration extending for a distance of twenty chains or thereabouts on each side of the said lane ;
- (2) An alteration in the parishes of Killamarsh and Beighton in the county of Derby of the levels of a portion of the said Railway No. 12 such alteration commencing at or near the point marked ten miles four furlongs on the deposited plans and sections of that railway referred to in the Act of 1891 and extending to the termination of the said railway as shown on the same deposited plans and sections ;
- (3) An alteration in the parish of Edwinstowe in the county of Nottingham of the levels of a portion of Railway No. 9 described in and authorised by the Act of 1891 such alteration commencing at or near the point marked sixteen miles one furlong and terminating at or near the point marked seventeen miles one furlong on the centre line of that railway as shown on the deposited plans and sections thereof referred to in the Act of 1891 ;

A.D. 1894.

- (4) An alteration in the parish of Ollerton in the county of Nottingham of the levels of a portion of Railway No. 14 described in and authorised by the Act of 1891 at or near the place where that railway crosses over the public road numbered 17 in the said parish in the deposited plans and books of reference referred to in the said Act about two furlongs from the commencement of the said railway such alteration extending for a distance of twenty chains or thereabouts on each side of the said road;
- (5) A deviation and alteration of the line and levels in the parish of Tuxford in the county of Nottingham of a portion of the said Railway No. 14 such deviation and alteration commencing at or near the point marked three miles six furlongs and terminating at or near the point marked and measured six miles two furlongs and five chains on the centre line of that railway as shown on the deposited plans and sections thereof referred to in the Act of 1891.

Diversion
and stopping
up of certain
roads and
footpaths.

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

- (A) Divert a portion of the public road numbered 11 in the parish of Sookholme and 17 in the parish of Warsop in the county of Nottingham on the deposited plans referred to in the Act of 1891 such diversion commencing at a point in that road about twenty-four yards westward of the place where William Wood Lane joins the said road and terminating at a point in the same road about seventy-two yards eastward of the said junction with William Wood Lane;
- (B) Divert a portion of the road in the parish of Sookholme in the county of Nottingham numbered 23 in that parish on the deposited plans referred to in the Act of 1891 such diversion commencing at a point about one hundred and sixty-six yards south-west of the place where the road is crossed by Railway No. 9 authorised by the said Act at the distance of eleven miles five furlongs and nine chains from the commencement of that railway as marked and measured on the centre line thereof shown on the said deposited plans and terminating at a point

on the same road about fifty-three yards north-east of the said crossing thereof; A.D. 1894.

- (c) Divert a portion of the public road known as Foxe's Lane in the parish of Tuxford in the county of Nottingham from the western end of the bridge carrying that road over the Great Northern Railway at the southern end of Tuxford Station to a point one hundred and twenty yards or thereabouts south of the junction of the said road with Station Street and to substitute a new road between the aforesaid points;
- (D) Alter the level of the road numbered 13 on the last mentioned deposited plans in the parish of Thorney in the county of Nottingham to such extent as may be requisite to carry the same over the Railway No. 14 authorised by the Act of 1891. Such alteration will extend for one hundred and twenty-six yards or thereabouts on each side of the point where Railway No. 14 crosses the said road at about thirteen miles one furlong nine chains from the commencement of that railway as marked and measured on the centre line thereof shown on the said deposited plans;
- (E) Alter the levels of the road numbered 9 on the said deposited plans in the parish of Doddington in the Parts of Kesteven in the county of Lincoln to such an extent as may be requisite to carry the same over the said Railway No. 14. Such alteration will extend for a distance of one hundred and fifty yards or thereabouts on each side of the point where Railway No. 14 crosses that road at about 16 miles 1.50 chains from the commencement of the said railway as marked and measured on the centre line thereof shown on the said deposited plans;
- (F) Stop up and discontinue the footpaths and rights of way in and over the properties at Chesterfield to be used for railway sidings and numbered respectively 27A and 27B in the parish of Hasland in the county of Derby on the deposited plans of the Chesterfield Deviation Railway referred to in the Act of 1893 and relinquish the diversion of the footpath passing through the properties numbered 20 20B and 26 26A and 27A on the said deposited plans in the same parish authorised by the same Act of 1893;
- (G) Divert the footpath passing through the property numbered 80 in the parish of Clowne in the county of Derby on the deposited plans referred to in the Act of 1891 such diversion extending from the point where the said footpath adjoins the Midland Railway fence at about ninety-three yards from Booten Lane to the south-eastern corner of the said property

A.D. 1894.

numbered 80 and to substitute a new footpath from the commencement of such diversion along and adjoining the Midland Railway fence to the public highway known as the Clowne and Barlborough road.

Power to deviate in construction of works.

6. The Company may in constructing the alterations and diversions of railways roads footpaths and other works by this Act authorised deviate from the lines thereof to the extent of the limits of deviation marked on the deposited plans and may deviate from the levels of any of the said works shown on the deposited sections to any extent not exceeding three feet but so as not to increase the gradient of any road or footpath.

Roads and footpaths not to be stopped up until new roads and footpath completed.

7. The Company shall not stop up any road or footpath by this Act authorised to be stopped up or diverted until they shall have completed to the satisfaction of two justices and opened to the public the diversion of such road or footpath or the new road or footpath (if any) as the case may be by this Act authorised to be made in lieu of the road or footpath so to be stopped up. Provided that the Company before applying to such justices for their certificate that such road or footpath is completed to their satisfaction give seven days notice in writing of their intention to apply for the same to the road authority of the district in which such road or footpath is situate.

Provision for repair of new roads &c.

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

Extinguishment of rights of way.

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

Power to divert roads as shown on deposited plans.

10. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much

of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :— A.D. 1894.

Railway.	Parish.	Number of Road on Plan.
12	Elmton - - - -	8
9	Sookholme - - - -	11
		17
9	Sookholme - - - -	23
15	Tuxford - - - -	96

And when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

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

Vesting in Company site and soil of portions of roads &c. stopped up.

12. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate for the purpose of extending railway sidings and for siding accommodation for mineral and other traffic of the Company the lands herein-after described or referred to delineated on the deposited plans and described in the deposited book of reference relating thereto (namely) :—

Power to acquire additional lands.

(K) A piece of land for extending certain railway sidings near Barlborough Colliery in the parish of Barlborough in the county of Derby such land forming part of the properties numbered 605 and 606 on the 25-inch Ordnance map:

A.D. 1894.

(L) Certain lands for siding accommodation in the parish of Tuxford in the county of Nottingham adjoining the west side of the Tuxford station of the Great Northern Railway and numbered 258 259 260 and 273 on the 25-inch Ordnance map.

Owners may be required to sell parts only of certain property.

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

Lands for extraordinary purposes.

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

Period for compulsory purchase of lands.

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

Power to take easements &c. by agreement.

16. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in under over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

For the protection of the Great Northern Railway Company.

17. Notwithstanding anything contained in this Act or shown on the deposited plans or described in the deposited books of reference the Company shall not under the powers of this Act enter upon or take use or in any way interfere with the railway

of the Great Northern Railway Company or any lands sidings or property of that company without their previous consent under their common seal.

A.D. 1894.

18. For the protection and benefit of Wilbraham Baron Egerton of Tatton and his sequels in right (in this section called "the owner") the following provisions shall unless otherwise agreed to in writing between the owner and the Company be observed and have effect (that is to say) :—

For the protection of Lord Egerton of Tatton.

(1) In constructing Railway No. 3 authorised by the Lancashire Derbyshire and East Coast Railway Act 1891 the Company shall lay and construct their railway in an open cutting where the same crosses the lands and hereditaments numbered 20 26 27 30 and 31 on the deposited plans in the parish of Mobberley in the county of Chester and will construct and complete a bridge over the said cutting (together with the approaches thereto) at such point and in such line and direction as may be indicated by the agent for the time being of the owner The said bridge to be not less than twelve yards in width between the parapets and to be not more than six feet above the present surface of the said lands The roadway over the bridge and the approaches thereto on both sides to consist of a road with a gradient not steeper than one in thirty and such road and approaches shall be formed and metalled by the Company with hard material to a depth of not less than eighteen inches The road bridge shall be capable of bearing the weight of traction and other engines and vehicles of at least ten tons in weight The Company shall purchase the whole of the field or close of land numbered 20 as aforesaid ;

(2) Nothing in this section contained shall prejudice or affect the provisions for the protection of the owner contained in the Act of 1891.

19. Whereas by section 41 of the Act of 1891 the Company came under certain obligations and undertook to execute certain works for the protection of Greenall Whitley and Company Limited and their assigns (therein and herein-after referred to as "the Brewery Company") And whereas in consequence of the extension of time for the acquisition of land and for construction of works by this Act authorised delay may arise in the construction of the works to be executed by the Company under that section and in the performance of their other obligations thereunder Therefore the following provisions for the protection of the Brewery Company and their property shall unless otherwise agreed in writing between

For the protection of Greenall Whitley and Company Limited.

A.D. 1894. the Brewery Company and the Company apply and have effect
(that is to say) :—

- (1) In the event of the Company after receiving from the Brewery Company one month's notice in writing so to do refusing or failing forthwith to carry out construct make and perform all or any part or parts of the works acts payments and things by section 41 of the Act of 1891 to be made done or performed by the Company the Brewery Company may at their own expense carry out make and perform all or any part or parts of such works acts payments and things ;
- (2) The said works shall be carried out to the reasonable satisfaction of the engineer for the time being of the Company and if in consequence of any alteration of the carrying out of the railways or works authorised by the Act of 1891 any alteration should become necessary of any of the works executed by the Brewery Company under the provisions of this section the additional expense of such alteration so far as not executed by the Company shall be repaid by the Company to the Brewery Company ;
- (3) The Company shall if and so soon as they acquire any part of the property of the Brewery Company for the purpose of the construction of any portion of the railways authorised by the Act of 1891 and before taking possession thereof repay to the Brewery Company all sums expended by them in pursuance of this section ;
- (4) In case any difference or dispute shall arise between the Company and the Brewery Company as to any of the provisions of this section or as to the nature or mode of the execution of any of the aforesaid works or as to the amount of any expense or compensation to be paid by the Company to the Brewery Company the same shall be settled either by arbitration in the manner provided by the Lands Clauses Acts or by reference to the Board of Trade at the option of the Brewery Company ;
- (5) The Company shall not except with the previous consent in writing of the Brewery Company apply for any further extension of the period limited by the Act of 1891 as extended by this Act for the exercise by the Company of the powers for the compulsory purchase and taking of lands so far as regards any lands belonging to the Brewery Company or for the completion and opening of any portion of the railways authorised by the Act of 1891 where the same pass under or through such lands ;

(6) Nothing in this section shall prejudice abridge or defeat the provisions of section 41 of the Act of 1891 or the rights of the Brewery Company thereunder. A.D. 1894.

20.—(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 borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised (as the case may be) were or have since been occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions
on dis-
placing
persons of
labouring
class.

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

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

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

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

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

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

A.D. 1894.

mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any such house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purposes of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme 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.

A.D. 1894.

(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.

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

(12) The expression "labouring class" in this section includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of

A.D. 1894. 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.

Period for completion of works.

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

Alterations and diversions of railways to be part of railway of Company.

22. The alterations and diversions of railways by this Act authorised shall for the purposes of tolls rates and charges and all other purposes be deemed to be part of the railway of the Company.

Running powers to Great Eastern Railway Company.

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

Extending time limited by Act of 1891 for purchase of land.

24. The powers conferred on the Company by the Act of 1891 for the compulsory purchase of lands for the purposes of the railways and works authorised by that Act are (except as regards the lands required for the section of railway between Chesterfield and Lincoln) by this Act extended and may be exercised by the Company for and during a period of two years from and after the fifth day of August one thousand eight hundred and ninety-four and at the expiration of that period shall cease.

Extending time for completion of railways.

25. The period limited by the Act of 1891 for the completion and opening of the railways authorised by that Act is hereby extended for a period of three years from the fifth day of August one thousand eight hundred and ninety-six and sections 82 and 83 of the Act of 1891 shall be read and construed as if the extended period granted by this Act for the completion and opening of the railways had

been the period limited for the same purpose by the said Act of 1891. A.D. 1894.

26. The Company shall not except with the previous consent in writing of the Most Noble Spencer Compton Duke of Devonshire K.G. his heirs successors in estate and assigns (all of whom are in this section included in the expression "the owner") apply for any further extension of the period limited by the Act of 1891 as extended by this Act for the exercise by the Company of the powers for the compulsory purchase and taking of lands so far as regards any lands belonging to the owner or for the completion and opening of any portion of the railways authorised by the Act of 1891 where the same passes in or through such lands.

Company not to apply for further extension of time for compulsory purchase of and completion of works in lands of Duke of Devonshire.

27. If the railways shall not be completed within the extended period granted by this Act then on the expiration of such period the powers granted to the Company by the Act of 1891 and this Act for making and completing the railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

If railways not completed within extended time powers to cease.

28. The Company shall abandon so much of the railway numbered 14 authorised by the Act of 1891 as will be rendered unnecessary by reason of the diversion thereof by this Act authorised.

Company to abandon portion of authorised railways.

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

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

30. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portion of railway or works authorised to be abandoned by this

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

A.D. 1894. Act the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land 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 to be paid for lands taken under the provisions thereof.

Power to
apply funds.

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

Amended
power of
borrowing.

32. Notwithstanding anything in section 22 of the Act of 1891 as to borrowing by instalments the Company may from time to time borrow on mortgage of their undertaking any sums not exceeding in the whole one hundred and sixty-six thousand six hundred and sixty pounds in respect of the five hundred thousand pounds of their share capital required for the section of railway between Chesterfield and Lincoln in excess of one million two hundred and fifty thousand pounds the relative amount of share capital mentioned in section 20 of the said Act Provided that no part of the said sum of one hundred and sixty-six thousand six hundred and sixty pounds shall be borrowed until shares for the portion of capital of five hundred thousand pounds are issued and accepted and one half of such portion of capital shall have been paid up and the Company have proved to the justice referred to in the said section 22 the several matters in that section directed to be proved as regards the said portion of capital in respect of which borrowing powers are intended to be exercised and he shall have granted a certificate that such proof has been given For the purposes of this enactment the expression "section of railway between Chesterfield and Lincoln" shall include any branch railways of the Company connected with that section.

Reducing
quorum for
meetings of
directors.

33. From and after the passing of this Act the quorum for a meeting of directors of the Company shall be four instead of the quorum of five prescribed by section 29 of the Act of 1891.

Provision as
to general
Acts.

34. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating

[57 & 58 VICT.] *Lancashire, Derbyshire,* [Ch. cxxxvi.]
and East Coast Railway Act, 1894.

to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

A.D. 1894.

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

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