



CHAPTER cxli.

An Act to confer further powers on the Lancashire Derbyshire and East Coast Railway Company for the construction of Works and acquisition of Lands and for the abandonment of some of their authorised Railways and for other purposes. [6th July 1895.] A.D. 1895.

WHEREAS by the Lancashire Derbyshire and East Coast Railway Act 1891 (herein-after called "the Act of 1891") the Lancashire Derbyshire and East Coast Railway Company (herein-after called "the Company") were incorporated and authorised to construct a railway from the Manchester Ship Canal at Warrington to Sutton-on-Sea on the coast of Lincolnshire and the powers of the Newark and Ollerton Railway Company were transferred to and vested in the Company :

And whereas by the Lancashire Derbyshire and East Coast Railway Act 1892 (herein-after called "the Act of 1892") the Company were authorised to construct branch railways and other works and to acquire the undertaking of the North Sea Fisheries (East Lincolnshire) Harbour and Dock Company :

And whereas by the Lancashire Derbyshire and East Coast Railway Act 1893 (herein-after called "the Act of 1893") the Company were authorised to divert portions of their railway authorised by the Act of 1891 and to execute the other works described in the Act of 1893 :

And whereas by the Lancashire Derbyshire and East Coast Railway Act 1894 (herein-after called "the Act of 1894") the Company were authorised to alter the line and levels of portions of their authorised railway and the time for purchasing land and completing the railways authorised by the Act of 1891 was extended :

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And whereas it is expedient that the Company should be authorised to construct the deviation railway and works and to acquire the additional lands herein-after described and that the other powers in this Act contained should be conferred on the Company :

And whereas it is expedient to abandon some of the railways authorised by the Act of 1891 and the North Staffordshire Junction Railway authorised by the Act of 1892 and to extend the time limited by those Acts for the compulsory purchase of lands and the completion of other railways and works :

And whereas it is expedient that the Company should have power to constitute certain of their authorised railways including the deviation railway in this Act described a separate undertaking with separate capital revenue and accounts :

And whereas ordinary shares in the capital of the Company of the nominal amount of about two hundred thousand pounds have been surrendered or become forfeitable for non-payment of calls and it is expedient that the Company should have power to reissue the same as preference shares or to attach a preferential dividend to a portion of their share capital as herein-after expressed :

And whereas upwards of one half of the mileage of the main line and branch railways comprised in the separate undertaking constituted by this Act has been constructed to formation level and the Company have borrowed on mortgage and raised by the issue of debenture stock and applied to the purposes of such separate undertaking sums amounting in the aggregate to two hundred and ten thousand pounds and it is expedient that such facilities as are herein-after expressed should be granted with respect to raising a further portion of the money which may be borrowed in respect of such undertaking :

And whereas plans and sections showing the lines and levels of the railway 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 and Nottingham 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 :— A.D. 1895.

1. This Act may be cited as the Lancashire Derbyshire and East Coast Railway Act 1895. Short title.

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) :— Incorporation of Acts.

The Lands Clauses Acts ;

The Railways Clauses Consolidation Act 1845 and Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 ; and

The Companies 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. Interpretation.

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

A deviation in the county of Nottingham from the levels of a portion of Railway No. 14 authorised by the Act of 1891 and from the altered levels thereof authorised by the Act of 1892 such deviation commencing in the parish of Fledborough at a point marked and measured ten miles one furlong seven chains or thereabouts on the centre line of the said authorised Railway No. 14 as shown on the altered plans thereof deposited with the clerk of the peace of the county of Nottingham in the month of April 1891 and terminating in the parish of North Clifton at

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the point marked and measured twelve miles four chains on the said centre line as shown on the said altered plans deposited as aforesaid.

Power to acquire additional lands.

5. 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 hold use and appropriate for stations sidings and other accommodation and purposes connected with the undertaking of the Company the lands in the county of Derby herein-after described or referred to so far as the same are delineated on the deposited plans and described in the deposited book of reference relating thereto (namely):—

- (1) A piece or parcel of land in the parish of Hasland and ancient parish of Chesterfield situate on the northern side of the Company's railway and on the north-eastern side of and abutting upon the portion of Spittal Lane recently diverted:
- (2) Certain lands in the parish of Clowne adjoining the south side of the premises connected with the Nag's Head public house and the south and west sides of the Company's Clowne station yard now in course of construction.

Owners may be required to sell parts only of certain lands and buildings.

6. And whereas in the construction of the deviation railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories referred to in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions 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 properties without material detriment thereto be required to sell and convey to the Company the portions 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 portions 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.

7. 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 three 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.

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8. 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.

Period for compulsory purchase of lands.

9. 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.

Power to take easements &c. by agreement.

10.—(1) In constructing the deviation by this Act authorised of a portion of Railway No. 14 authorised by the Act of 1891 according to different levels than those authorised by that Act or the Act of 1892 the Company shall so far as regards the bridge for carrying such deviation over the River Trent comply in all respects with the provisions of section 68 of the Act of 1891 and section 69 of the same Act as modified by section 18 of the Act of 1892 as if those provisions had been repeated in this Act except that the height of the underside of the arches of the bridge over the said river shall not be less than 42·50 feet above ordnance datum instead of 74·50 feet as prescribed by the said section 68 or 54·50 feet as shown on the deposited sections referred to in the Act of 1892.

Provision as to bridge over River Trent.

(2) Whenever the levels of the several bridges over the River Trent and the Newark navigation from the bridge known as Mill Bridge at or near Newark to the bridge known as Gainsborough Bridge at or near Gainsborough both inclusive shall be raised so as to afford additional headway for vessels navigating the said river and navigation the Company shall forthwith proceed to raise the level of the bridge carrying the deviation of Railway No. 14 by this Act authorised over the same river to a height at least equal to the height of the lowest of such other bridges when all shall have been raised as aforesaid.

Level of bridge to be raised in certain event.

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Midland
Railway
Company to
afford
facilities for
Company's
traffic at
Clowne.

11. The Midland Railway Company shall at the request and cost of the Company permit and afford facilities for the construction of a junction in the parish of Clowne between the Company's railway and the railway of the Midland Company near to and south-east of the colliery sidings of the Shireoaks Colliery Company and the position of such junction shall be determined by the engineers of the Company and the Midland Company or failing agreement by an engineer to be nominated for that purpose by the Board of Trade.

The said junction may be forthwith constructed by the Company and so soon as the same is open for traffic the Midland Company will give all reasonable facilities for working the traffic of the Company over such junction in and out of the Shireoaks Colliery sidings at a small charge the amount of such charge failing agreement to be determined by arbitration.

Restrictions
on displacing
persons of
labouring
class.

12.—(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 district or any parish or part of a parish not being within an urban 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 or shall hereafter be 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 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-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 powers 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

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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 indorsed 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 subsection subject to such conditions (if any) as they may see fit.

(8) So much of section 157 of the Public Health Act 1875 as provides that the provisions of that section and of sections 155 and 156 of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

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

(10) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(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

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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 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.

13. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of one thousand two hundred and eighty-seven pounds two shillings being five per centum on the amount of the estimate in respect of the railways and works other than substituted works intended to be authorised by the Bill for this Act when introduced into Parliament was deposited with the Paymaster General for and on behalf of the Supreme Court in respect of the application to Parliament for the said Bill And whereas the railways and works in respect of which the said sum was deposited were struck out of the said Bill in its passage through Parliament Therefore the High Court may at any time after the passing of this Act on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act of 1846 or the survivors or survivor of them order the said sum of one thousand two hundred and eighty-seven pounds two shillings or the stocks or securities in which the same may have been invested with any interest or dividends which may have accrued thereon to be paid or transferred to such person or persons survivors or survivor or as he or they shall direct.

Providing
for repay-
ment of
deposit on
railways
struck out
of Bill.

14. If the deviation railway and works herein-before authorised by this Act are 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 deviation railway and works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for
completion
of deviation
railway and
works.

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Deviation railway to form part of railway of Company.

Extending time for purchase of land for Newark and Ollerton Railway.

Extending time for purchase of land for Washingborough Junction and deviation of portion of Great Northern Railway.

Extending time for purchase of lands for railways east of Lincoln and of additional lands at Sutton.

Extending time for purchase of land for harbour and dock at Sutton-on-Sea.

15. The deviation railway and works executed under the authority of this Act shall for the purposes of tolls rates and charges and all other purposes whatsoever be part of the railway of the Company and comprised in their undertaking.

16. The powers granted to the Company by the Act of 1891 as extended by the Act of 1893 for the compulsory purchase of lands for the purposes of so much of the Newark and Ollerton Railway as was not abandoned by the Act of 1891 is hereby further 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-five and on the expiration of that period those powers shall cease.

17. The powers granted to the Company by the Act of 1892 for the compulsory purchase of lands for the purposes of the Washingborough Junction Railway and deviation of portion of the Great Northern Railway respectively authorised by that Act and described in section 4 thereof are hereby extended and may be exercised by the Company for and during a period of two years from the twenty-seventh day of June one thousand eight hundred and ninety-five and on the expiration of that period those powers shall cease.

18. The powers granted to the Company by the Act of 1891 as extended by the Act of 1894 for the compulsory purchase of lands for the purposes of Railways Nos. 22 23 24 and 25 authorised by the Act of 1891 and described in section 5 of that Act except so much of the said Railway No. 22 as was abandoned by section 24 of the Act of 1892 and of the additional lands adjoining the Sutton and Willoughby Railway described in section 6 of the same Act are hereby further 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-six and on the expiration of that period those powers shall cease.

19. The powers of the Company for the compulsory purchase of lands for the purposes of the undertaking authorised by the North Sea Fisheries (East Lincolnshire) Harbour and Dock Acts 1884 and 1890 as extended by the Act of 1892 are by this Act further extended and may be exercised by the Company for and during a period of two years from and after the twenty-fifth day of July one thousand eight hundred and ninety-five and on the expiration of that period those powers shall cease.

20. The time limited by the Act of 1891 as extended by the Act of 1893 for the completion and opening of the Newark and Ollerton Railway is except as to the portion thereof abandoned by the Act of 1891 hereby further extended for a period of two years from the fifth day of July one thousand eight hundred and ninety-seven and that period shall for the purposes of sections 34 and 35 of the Newark and Ollerton Railway Act 1887 be deemed to be the period limited by that Act for the completion and opening of the railway thereby authorised.

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 Extending time for completion of Newark and Ollerton Railway.

21. The time limited by the Act of 1892 for the completion and opening of the Washingborough Junction Railway and the deviation of a portion of the Great Northern Railway respectively authorised by that Act and described in section 4 thereof is hereby extended for a period of two years from the twenty-seventh day of June one thousand eight hundred and ninety-seven and that period shall for the purposes of sections 20 and 21 of the Act of 1892 be deemed to be the period limited by that Act for the completion and opening of the said junction and deviation railways.

Extending time for completion of Washingborough Junction and Great Northern deviation railways.

22. The time limited by the North Sea Fisheries (East Lincolnshire) Harbour and Dock Acts 1884 and 1890 as extended by the Act of 1892 for the completion of the harbour dock and works authorised by the said Act of 1884 is hereby further extended for a period of two years from the nineteenth day of May one thousand eight hundred and ninety-eight and on the expiration of that period the powers conferred by the said Acts for making and completing the said harbour dock and works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Extending time for completing harbour and dock works at Sutton-on-Sea.

23. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore

Works below high-water mark not to be commenced without consent of Board of Trade.

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Saving rights of the Crown in the foreshore.

24. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Railways to be abandoned.

25. The Company shall abandon and relinquish the construction of the railways numbered 1 1A 2 3 4 5 6 7 8 17 18 19 20 and 21 described in and authorised by the Act of 1891 and the North Staffordshire Junction Railway described in and authorised by the Act of 1892.

Compensation for damage to land by entry &c. for purpose of railways abandoned.

26. 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 or the Act of 1892.

Compensation to be made in respect of railways abandoned.

27. 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 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. A.D. 1895.

28. Subject to the provisions of section 83 of the Act of 1891 and section 21 of the Act of 1892 relating to compensation to land-owners and other persons injured and to protection of creditors the High Court may and shall at any time after the passing of this Act on application by the depositors referred to in section 82 of the Act of 1891 order the sum of one hundred and thirty-three thousand seven hundred and seven pounds Two and Three-quarters per Centum Consolidated Stock (being the proportion of the deposit fund of two hundred and twenty thousand one hundred and eighty-three pounds of like stock referred to in the last-mentioned section) and also on application by the depositors referred to in section 20 of the Act of 1892 order the sum of six hundred and one pounds Two and Three-quarters per Centum Consolidated Stock (being the proportion of the deposit fund of one thousand seven hundred pounds of like stock referred to in the said section 20) applicable to the railways abandoned by this Act and the interest or dividends thereon to be transferred and paid to the depositors in each case or as they shall direct and upon such order or orders being made the before-mentioned proportion of the said deposit funds and the interest and dividends thereon shall be transferred and paid accordingly And sixty-seven thousand and seventy-six pounds part of the balance of the said two hundred and twenty thousand one hundred and eighty-three pounds of stock deposited in respect of the Act of 1891 shall be deemed to apply to the railways authorised by that Act comprised in the Chesterfield and Lincoln separate undertaking constituted by this Act. Release of proportion of deposits.

29. The railways numbered 9 10 11 12 14 15 and 16 in and authorised by the Act of 1891 the Clowne Colliery branch and Langwith Colliery branch railways authorised by the Act of 1892 the Chesterfield deviation the Bolsover deviation and the Markham Colliery branch deviation railways authorised by the Act of 1893 (subject to and including any authorised deviations or alterations of the before-mentioned railways or any of them) and the works connected therewith respectively and all lands buildings and property purchased and to be purchased for the purposes thereof shall form Certain railways to be a separate undertaking.

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As to
capital of
separate
undertaking.

30.—(1) The separate share capital of the Chesterfield and Lincoln Section shall be one million seven hundred and fifty thousand pounds in one hundred and seventy-five thousand shares of ten pounds each and the amount of the loan capital to be charged on the separate undertaking shall not exceed one third of the said sum of one million seven hundred and fifty thousand pounds.

(2) The shares in the capital of the Company already issued shall be deemed to be shares in the separate capital of the Chesterfield and Lincoln Section.

(3) The powers given to the Great Eastern Railway Company by the Act of 1892 to subscribe for and hold shares in the capital of the Company to the nominal amount of two hundred and fifty thousand pounds shall be read and take effect as if the words “the separate capital of the Chesterfield and Lincoln Section” were substituted for the words “the capital of the Company.”

General
undertaking
and capital.

31. The undertaking of the Company other than the Chesterfield and Lincoln Section shall be called and is herein-after referred to as “the general undertaking of the Company” and the capital of the Company other than the separate capital of the Chesterfield and Lincoln Section shall be called and is herein-after referred to as “the general capital of the Company” Provided that nothing in this Act contained with reference to the constitution of the Chesterfield and Lincoln Section as a separate undertaking with a separate capital shall release the Company or any part of their undertaking from any obligations or liabilities under any agreement entered into by or on behalf of the Company with Robert Charles de Grey Vyner.

32. Before any part of the railway comprised in the general undertaking of the Company is opened for public traffic an arbitrator to be appointed on the application of the Company by the Board of Trade shall determine what proportion of the general charges of the Company or what annual or other sum in lieu thereof shall be paid and borne out of the revenue of each undertaking of the Company and the same shall thenceforth be paid accordingly out of such revenue.

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As to
general
charges &c.

The expression "general charges" in this section includes (but not to the exclusion of any other matters) the several matters specified under the heading "general charges" in Abstract E. to No. 12. of the forms of account set out in the First Schedule to the Regulation of Railways Act 1868.

33. The following provisions shall have effect with regard to the general capital of the Company and the separate capital of the Chesterfield and Lincoln Section (that is to say):—

Further
provisions
as to capital
&c.

(A) The Company shall keep separate and distinct accounts of their receipts credits payments and liabilities on account of each such capital and the revenue of the general undertaking of the Company and of the Chesterfield and Lincoln Section respectively :

(B) The expenses of maintaining and working the separate undertaking shall be borne and paid by the Company out of the revenue of that undertaking solely :

(C) The Company shall apply the revenue arising from the Chesterfield and Lincoln separate undertaking as follows:—

(1) In payment of the proportion of the expenses properly attributable to the working and maintenance of such undertaking ;

(2) In payment of any rentcharges for land on such undertaking ;

(3) In payment of the interest on all mortgages or debenture stock granted or issued by the Company on or in respect of such undertaking ;

(4) In payment of dividends on so much of the capital of such undertaking as may be from time to time paid up :

(D) All mortgages or debenture stock granted or issued or to be granted or issued by the Company in respect of the separate capital of the Chesterfield and Lincoln Section shall be a charge exclusively upon the undertaking comprised in that section and shall not comprise or affect any other property or undertaking of the Company and no mortgages or debenture stock to be

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granted or issued by the Company in respect of their general undertaking shall be a charge on the Chesterfield and Lincoln Section Provided that all mortgages or debenture stock granted or issued prior to the passing of this Act shall be deemed to have been granted and issued in respect of the separate capital of the Chesterfield and Lincoln Section :

- (E) The mortgages and certificates of debenture stock to be from time to time granted and issued by the Company shall on the face thereof distinctly denote that each such mortgage and certificate is a mortgage or charge only upon the particular undertaking upon which the same is charged :
- (F) Shares and stock in the capital of the Chesterfield and Lincoln Section shall not confer on the owners thereof any right of voting or interference at any meeting of the Company not relating to matters affecting the Chesterfield and Lincoln Section except for the election of directors and any matters affecting the said shareholders or stockholders respectively for both of which matters such shareholders and stockholders shall have the same right of voting as the holders of shares and stock in the general capital of the Company :
- (G) Shares or stock in the general capital of the Company shall not entitle the holders thereof to interfere with the expenditure of the separate capital of the Chesterfield and Lincoln Section or in any other matter affecting such capital or undertaking.

Extending agreement in Second Schedule of Act of 1891.

34. The Great Eastern Railway Company shall have the right to run over and use the deviation of Railway No 14 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 and confirmed by the Act of 1891 (herein-after referred to as "the agreement of 1891 ") as if the deviation of Railway No. 14 and other works by this Act authorised had been authorised by the Act of 1891 and were mentioned in Article 3 of the agreement of 1891.

Separate undertaking to be worked in an efficient manner.

35. After the opening of the Chesterfield and Lincoln Section or any part thereof for the public conveyance of passengers the Company shall work the same and convey traffic thereon in a proper manner In case any difference shall arise between the Company and any of the holders of stock or shares in the separate capital of the Chesterfield and Lincoln Section with respect to the working or non-working or insufficient working by the Company of the said undertaking or otherwise in relation thereto whereby the holders of such shares or stock deem themselves to be injuriously affected such

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difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party and such arbitrator shall have full power to settle and determine any such difference and to order the Company to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such arbitration as he shall think just In case the Company make default in complying with any such order within the time thereby prescribed then and in every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding fifty pounds for every day after the first during which such default shall continue Such penalty to be carried to the credit of the separate undertaking.

36. When the Great Eastern Railway Company shall have subscribed for and hold shares in the separate capital of the Chesterfield and Lincoln Section to the amount authorised by the Act of 1892 that company may from time to time if they think fit nominate one of their directors and another person or two of their directors to be directors of the Company in the manner prescribed by section 53 of the said Act.

Appointment of directors of Company by Great Eastern Railway Company.

37. When the Company have expended upon their undertaking a sum of one million pounds they may attach to not exceeding two hundred and fifty thousand pounds of their share capital any preferential dividend not exceeding five per centum per annum and may accordingly issue or re-issue as the case may be as preference shares any shares which may remain unissued or any shares which may have been surrendered or cancelled or may be otherwise under the control of the Company and the provisions contained in the Companies Clauses Act 1863 with respect to preference shares or stock shall apply to the shares to which any preference or priority is assigned by virtue of this Act as if such shares were shares in "additional capital" instead of part of the capital which the Company have already power to raise.

Preference may be attached to part of share capital.

38. The proceeds of any preference shares issued under the authority of this Act shall be applicable and applied only in and towards the completion and equipment of the Chesterfield and Lincoln Section of the railway.

Application of proceeds of preference shares.

39. 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 Provided that no

Power to apply funds.

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part of such moneys forming part of the capital of or charged upon the Chesterfield and Lincoln Section shall be applied except for the purposes of that section.

Borrowing
by instal-
ments.

40. The sum of one hundred and sixty-six thousand six hundred and sixty pounds authorised by section 32 of the Act of 1894 to be borrowed in respect of the additional five hundred thousand pounds of share capital required for the railway between Chesterfield and Lincoln may be borrowed by the following instalments:—

The sum of fifty thousand pounds may be borrowed in respect of the first one hundred and fifty thousand pounds and the sum of sixteen thousand six hundred and sixty-six pounds may be borrowed in respect of each additional fifty thousand pounds of the said five hundred thousand pounds of share capital subscribed for and one half thereof paid up when proof of each such subscription and payment has been duly given to the justice as required by section 32 of the Act of 1894.

Provision as
to general
Railway Acts.

41. Nothing in this Act contained shall exempt the Company or the railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

42. 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.

SCHEDULE referred to in the foregoing Act.

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HOUSES BUILDINGS OR MANUFACTORIES of which PORTIONS only may
be required.

Parish or Township.	No. on deposited Plan.
ADDITIONAL LANDS.	
(1) Hasland	1
(2) Clowne	14

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