



## CHAPTER ccvi.

An Act to authorise the Lancashire Derbyshire and East Coast Railway Company to construct certain Branch Railways and acquire Additional Lands in connexion with their Chesterfield and Lincoln Separate Undertaking and for other purposes. [7th August 1896.]

A.D. 1896.

**W**HEREAS 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 Warrington in Lancashire to Sutton-on-Sea on the coast of Lincolnshire :

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 Acts 1893 and 1894 the Company were authorised to divert and alter the line and levels of portions of their railway authorised by the Act of 1891 and to exercise the other powers in those Acts mentioned :

And whereas by the Lancashire Derbyshire and East Coast Railway Act 1895 (herein-after called "the Act of 1895") the Company were authorised to further deviate a portion of their railway to acquire additional land to constitute their railways between Chesterfield and Lincoln a separate undertaking to issue a limited amount of preference shares for the purposes thereof to abandon so much of their authorised railways as was intended to be situate west of Chesterfield and extend the time for the purchase of land and constructing the railways and works between Lincoln and the East Coast :

A.D. 1896.

And whereas it is expedient that the Company be authorised to make the branch railways and acquire the additional lands hereinafter respectively described and to exercise the other powers by this Act conferred upon them :

And whereas the Great Eastern Railway Company are desirous of exercising the powers conferred on them by the Lancashire Derbyshire and East Coast Railway Acts of 1892 and 1895 of subscribing for and holding ordinary shares in the separate capital of the Chesterfield and Lincoln section to the nominal amount of two hundred and fifty thousand pounds :

And whereas there are only sixteen thousand unissued ordinary shares (numbered 106,312 to 122,311 inclusive) in such separate capital which are at present available for issue or re-issue by the Company to the Great Eastern Railway Company but if the Great Eastern Railway Company be authorised to accept a transfer of ordinary shares in such separate capital for the sum of ninety thousand pounds as part of the amount of two hundred and fifty thousand pounds for which the Great Eastern Railway Company are authorised to subscribe under the said Acts there are now available for that purpose nine thousand ordinary shares in the said separate capital numbered 57,388 to 66,387 inclusive which by virtue of an arrangement lately made by the Company with the object of relieving the Company from certain of their liabilities in connexion with the release of a proportion of the deposit fund of two hundred and twenty thousand one hundred and eighty pounds two and three quarters per centum consolidated stock referred to in section 82 of the Act of 1891 and section 28 of the Act of 1895 are now held upon trust to sell the same at a price not below par and to pay the proceeds of such sale to the Company in or towards the repayment of certain moneys advanced by the Company in connexion with such release as aforesaid :

And whereas it would be for the benefit of the Company that such nine thousand shares should be sold to the Great Eastern Railway Company at par and such Company are willing to accept a transfer of the same but are doubtful whether they can lawfully employ their funds for that purpose without further authority from Parliament :

And whereas it is expedient that the Company should have further powers for the purpose of appointing the chairman and general manager of the Great Eastern Railway Company to be directors of the Lancashire Derbyshire and East Coast Railway Company :

And whereas plans and sections showing the lines and levels of the branch railways and works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act 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 :—

1. This Act may be cited as the Lancashire Derbyshire and East Coast Railway Act 1896. 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) 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 other 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 branch railways 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 Power to construct branch railways.

[Ch. ccvi.] *Lancashire, Derbyshire, and East Coast Railway Act, 1896.* [59 & 60 VICT.]

A.D. 1896. for that purpose The railways and works herein-before referred to and authorised by this Act are as follows:—

(1) Two railways (to be called the Shirebrook Branch Railway)—

(A) 1 mile 4 furlongs and 3·70 chains in length commencing in the parish of Warsop in the county of Nottingham by a junction with the Lancashire Derbyshire and East Coast Railway and terminating in the parish of Pleasley in the county of Derby in the field numbered 397 on the 25-inch Ordnance map ;

(B) 2 furlongs and 2·75 chains in length wholly in the said parish of Pleasley commencing by a junction with the branch railway (A) before described in the field numbered 165 on the 25-inch Ordnance map and terminating in the north-western corner of the field numbered 161 on the said 25-inch Ordnance map :

(2) A railway (to be called the Creswell Branch Railway) 5 furlongs and 9·70 chains in length wholly in the parish of Elmtun in the county of Derby commencing by a junction with the Lancashire Derbyshire and East Coast Railway and terminating at a point near the southern end of the western platform of the Elmtun and Creswell Station on the Mansfield and Worksop branch of the Midland Railway :

Provided always that the Company shall construct the said branch within the limits of deviation shown on the deposited plans so as not to take use or in any way interfere with the land on the east side of the said branch belonging to or leased by the Midland Railway Company or to prevent the construction thereon of sidings and works giving that company access to the Creswell Colliery :

(3) A railway (to be called the Warsop Main Colliery Branch Railway) 1 furlong 9·50 chains in length wholly in the parish of Sookholme and county of Nottingham commencing by a junction with the Lancashire Derbyshire and East Coast Railway and terminating by a junction with the Warsop Main Colliery Railway :

(4) Two railways (to be called the Barlborough Branch Railway)—

(c) 4 furlongs and 9 chains in length commencing in the parish of Clowne in the county of Derby by a junction with Railway No. 12 authorised by the Act of 1891 and terminating in the parish of Barlborough in the same county near the Barlborough Colliery ;

(D) 2 furlongs and 3 chains in length wholly in the said parish of Clowne commencing by a junction with the railway (c) lastly before described and terminating by a junction with the sidings of the Barlborough Colliery : A.D. 1896.

(5) A railway (by way of deviation of or in substitution for Railway No. 15 authorised by the Act of 1891) wholly in the parish of Tuxford in the county of Nottingham commencing by a junction with the Lancashire Derbyshire and East Coast Railway at the eastern side of the bridge carrying that railway over the Great North Road and terminating by a junction with the Great Northern Railway at a point 250 yards or thereabouts measured in a southerly direction from the southern end of the up platform at Tuxford Station :

Provided that the Company shall not acquire otherwise than by agreement any land for the purposes of the branch railways firstly (B) secondly thirdly and fourthly (c) and (D) before described and called the Shirebrook Branch Railway (B) the Creswell Branch Railway the Warsop Main Colliery Branch Railway and the Barlborough Branch Railway respectively :

Provided further that the Company shall not acquire otherwise than by agreement with the Midland Railway Company any lands belonging to that company within the limits of deviation of the railway (A) firstly before described.

5. The Company shall abandon so much of the Railway No. 15 authorised by the Act of 1891 as may be rendered unnecessary by the construction of the deviation railway fifthly before described. Part of authorised railway to be abandoned.

6. 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 purpose of railway abandoned.

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

[Ch. ccvi.] *Lancashire, Derbyshire, and East* [59 & 69 VICT.]  
*Coast Railway Act, 1896.*

A.D. 1896. 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  
acquire addi-  
tional lands.

8. 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 Chesterfield and Lincoln separate undertaking of the Company the lands herein-after described or referred to so far as the same are delineated on the deposited plans and described in the deposited books of reference relating thereto (namely) :—

(1) A piece of land about 60 yards in length in the parish of Sutton-cum-Duckmanton in the county of Derby adjoining the southern side of the Company's railway near Duckmanton Station :

(2) Certain lands partly in the parish of Upper Langwith in the county of Derby and partly in the parish of Warsop in the county of Nottingham situate partly on the north and partly on the south side of and adjoining the Company's authorised railway between the points marked 9 miles 53 chains and 10 miles 13 chains on that railway as set out for construction :

Provided that so much of the said lands as belong to the Midland Railway Company and are situate nearer than sixty-six feet from the westernmost rail of the Midland Railway measured at right angles to that railway shall not be acquired by the Company without the previous consent in writing of the Midland Railway Company :

(3) Certain land in the parishes of Warsop and Sookholme in the county of Nottingham adjoining the north side of the Company's railway and extending from the point marked 10 miles 54 chains to the point marked 10 miles 72 chains on the line of the said railway as set out for construction :

(4) Certain land in the said parish of Sookholme situated in the angle formed by the southern fence of the Company's railway and the northern fence of Carter Lane and containing by admeasurement 1 rood or thereabouts :

(5) A strip of land in the said parish of Warsop adjoining the south side of the occupation road running along the south side of the Company's railway between the distances marked 12 miles 24 chains and 12 miles 31 chains on the line of the said railway as set out for construction :

A.D. 1896.

(6) A triangular piece of land in the parish of Boughton in the county of Nottingham adjoining the Company's railway in course of construction and situated on the northern side of the public road leading from Boughton to Cocking Hill and on the eastern side of the road leading from the said public road to Kirton and numbered 222 on the 25-inch Ordnance map.

**9.** The Company their officers and servants and all persons coming to and going from their Langwith Junction Station in the parish of Upper Langwith may pass over and use with vehicles and otherwise the occupation road leading from the village of Upper Langwith past the entrance to the said station to Stubbins Wood Provided that the Company shall previous to such user improve and adapt such road for the passage of traffic to and from the said station to the satisfaction of two justices.

Providing access to Langwith Junction Station.

**10.** The Company their officers and servants and all persons authorised by them may pass over and use with vehicles and otherwise so much of the new occupation road in the parish of Skellingthorpe in the parts of Kesteven in the county of Lincoln as extends from Fen Lane along the eastern side of the main drain through the fields numbered 207 210 and 226 on the 25-inch Ordnance map to the Company's railway Provided that previous to such user the Company shall improve and adapt so much of such new road as may be required for the passage of traffic to and from their railway to the satisfaction of two justices.

Providing for access to railway in Skellingthorpe.

**11.** 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 caused or permitted by them upon any land so purchased.

Lands for extraordinary purposes.

**12.** 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.

**13.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the

Power to take easements &c. by agreement.

[Ch. ccvi.] *Lancashire, Derbyshire, and East Coast Railway Act, 1896.* [59 & 60 VICT.]

A.D. 1896. — 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 respectively.

Restriction on taking houses of labouring class.

14. The Company shall not under the powers of this Act purchase or acquire in any borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Deposit money not to be repaid except so far as railway opened.

15. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of one thousand one hundred and seventy-three pounds fifteen shillings being five per centum on the amount of the estimate in respect of the branch railways and works other than substituted works by this Act authorised has been deposited with the Paymaster-General for and on behalf of the Supreme Court (which sum is in this Act referred to as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid to or 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 or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the said branch railways open the Shirebrook Branch Railway and the deviation or branch railway fifthly before described for the public conveyance of passengers and open the other branch railways



A.D. 1896.

by this Act authorised for the public conveyance of merchandise traffic and if the Company shall make default in so opening the branch railways or any of them the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and shall be applied in the manner provided by the next following section of this Act Provided that if within such period as aforesaid the Company so open any one or more of the said branch railways for the public conveyance of traffic then on the production of a certificate of the Board of Trade specifying the length of the branch railway or railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the branch railway or railways so opened bears to the entire length of such railways the High Court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

**16.** If the Company do not previously to the expiration of the period limited by this Act for the completion of the branch railways hereby authorised complete and open the same for the public conveyance of passengers or merchandise as the case may be then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 said railways or any of them or any part thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation 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 deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railways in respect of which the deposit has been made or any of

Application  
of deposit.

[Ch. ccvi.] *Lancashire, Derbyshire, and East Coast Railway Act, 1896.* [59 & 60 Vict.]

A.D. 1896. them have been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be paid or retransferred to the depositors. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion for works.

17. If the branch railways by this Act authorised or any of them 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 same or otherwise in relation thereto shall cease except as to such of the said railways or so much thereof as is then completed.

Repayment of deposit made on application for additional provision.

18. And whereas during the progress in the House of Commons of the Bill for this Act the Company made application by petition for additional provision for leave to include in the Bill power to make certain branch railways in addition to those before described and a sum of seven thousand eight hundred pounds being five per centum on the estimated cost thereof was deposited with the Paymaster-General for and on behalf of the Supreme Court but inasmuch as such application was refused it is expedient that the sum deposited as aforesaid should be repaid. Therefore the High Court may at any time after the passing of this Act on the application of the persons who deposited the said sum of seven thousand eight hundred pounds order the same or the stocks funds or securities in which the same may have been invested with any dividends or interest accrued thereon to be repaid or transferred to the said persons or the majority of them or as they shall direct.

Railways to form part of railway of the Company.

19. The branch railways 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 be comprised in their Chesterfield and Lincoln separate undertaking.

Extending time for holding ordinary meetings of the Company.

20. In addition to the months named in section 26 of the Act of 1891 for holding ordinary meetings of the Company such meetings may be held in the months of January and July.

Extending agreement with Great Eastern

21. The Great Eastern Railway Company shall have the right to run over and use with their engines carriages and waggons officers and servants for the purposes of traffic of every description.

the railways authorised to be constructed by this Act and any sidings or other works or conveniences which may be constructed in connexion with any such railways and may exercise the like powers and privileges with regard to the same as are conferred on the Great Eastern Railway Company by the agreement dated the twenty-fourth April one thousand eight hundred and ninety-one set forth in the Second Schedule to the Act of 1891 with reference to the railways and other works therein mentioned.

A.D. 1896.  
Company  
scheduled  
to Act of  
1891.

**22.** The Company may apply for any of the purposes of this Act to which capital is properly applicable any of the separate share and loan capital appropriated to the Chesterfield and Lincoln separate undertaking.

Power to  
apply funds.

**23.** The Great Eastern Railway Company may purchase at par and accept a transfer of the said nine thousand ordinary shares numbered from 57,388 to 66,387 inclusive in the separate capital of the Chesterfield and Lincoln section if the Company are beneficially entitled to the proceeds of the sale of such shares and may hold the said shares as part of the shares for which the Great Eastern Railway Company are authorised to subscribe by the Acts of 1892 and 1895.

Purchase  
and transfer  
of shares  
to Great  
Eastern  
Company.

**24.** The directors for the time being of the Company shall have power to appoint from time to time the chairman and general manager for the time being of the Great Eastern Railway Company to be directors of the Company.

Appointment  
of chairman  
and general  
manager of  
Great  
Eastern  
Company  
as directors  
of the  
Company.

The directors so appointed shall be in addition to the number of directors elected by the shareholders of the Company.

Every chairman and general manager of the Great Eastern Railway Company so appointed shall enter upon office immediately on his appointment and shall remain in office until he shall die or resign or until the Great Eastern Railway Company shall have nominated two other persons to be directors of the Company under the power in that behalf contained in the thirty-sixth section of the said Act of 1895 and need not be a shareholder in the Company.

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

Provision  
as to general  
Railway Acts.

[Ch. ccvi.] *Lancashire, Derbyshire, and East* [59 & 60 VICT.]  
*Coast Railway Act, 1896.*

A.D. 1896: **26.** All costs charges and expenses preliminary to and of and  
Costs of Act. incidental to the preparing applying for obtaining and passing of  
this Act or otherwise in relation thereto shall be paid by the  
Company.

---

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

---

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
90, WEST NILE STREET, GLASGOW; or  
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.