



CHAPTER ccvii.

An Act to confer further powers upon the Manchester Sheffield and Lincolnshire Railway Company the Cheshire Lines Committee and the Manchester South Junction and Altrincham Railway Company to incorporate the Dee and Birkenhead Committee by the name of the North Wales and Liverpool Railway Committee and for other purposes. A.D. 1896.

[7th August 1896.]

WHEREAS it is expedient that the Manchester Sheffield and Lincolnshire Railway Company (herein-after called "the Company") should be authorised to construct subject to the limitations and restrictions herein-after contained the railway and other works herein-after described and to abandon the Railway No. 9 authorised by the Manchester Sheffield and Lincolnshire Railway (Extension to London &c.) Act 1893 (herein-after called "the Extension to London Act 1893"):

And whereas it is expedient that the Company should be authorised to raise additional capital as herein-after provided:

And whereas it is expedient that the times limited by several Acts relating to the Company the Cheshire Lines Committee and the Manchester South Junction and Altrincham Railway Company for the compulsory purchase of lands and the completion of railways should be further extended and that further powers as in this Act mentioned should be conferred on those companies and on the said committee:

And whereas it is expedient that the Dee and Birkenhead Committee should be incorporated under the name of the Liverpool and North Wales Railway Committee:

And whereas the Company have acquired certain lands in the county of London the borough of Leicester and the county of the town of Nottingham with a view to the erection of hotels for the

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And whereas the Company are owners of docks wharves and landing stages and buildings (herein-after referred to as "the dock property") in or upon part of which a market for the sale of fish is carried on and the Company are also the owners of railways stations land buildings and other property within the county borough of Grimsby and they are rated and assessed by the corporation of that borough (herein-after referred to as "the Grimsby corporation") to all rates and charges levied within the borough the several dock and other properties belonging to the Company being separately and distinctly assessed :

And whereas subject to the consent of the Company the public use and enjoy access to and over the dock property and the roads in and leading thereto and a large business in buying and selling is carried on within the dock property and with the view to preserve order and to prevent stealing and pilfering and breaches of the peace police protection is required within the said dock property :

And whereas the Company possess and have exercised certain statutory powers for providing such police protection at the expense of the Company but having regard to the amount and value of their property which is subject to rates within the borough they have from time to time requested the Grimsby corporation to provide additional police protection within the dock property at the expense of the borough rates :

And whereas the corporation have been advised that they are not at present authorised to incur such expenditure and in the circumstances it is expedient to empower the Company and the Grimsby corporation to make and carry into effect agreements with reference to such police protection :

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 and plans of the other lands by this Act authorised to be taken compulsorily with books of reference thereto were duly deposited

with the respective clerks of the peace for the counties of Nottingham Northampton Lancaster Leicester Chester and Middlesex and are herein-after respectively referred to as the deposited plans sections and books of reference :

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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 Manchester Sheffield and Lincolnshire Railway Act 1896. Short title.

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

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

- The distribution of the capital of the Company into shares ;
- The transfer or transmission of shares ;
- The payment of subscriptions and the means of enforcing the payment of calls ;
- The forfeiture of shares for non-payment of calls ;
- The remedies of creditors of the Company against the shareholders ;
- The borrowing of money by the Company on mortgage or bond ;
- The conversion of the borrowed money into capital ;
- The consolidation of the shares into stock ;
- The general meetings of the Company and the exercise of the right of voting by the shareholders ;
- The making of dividends ;
- The giving of notices ; and
- The provision to be made for affording access to the special Act by all parties interested ;

and Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock are (except where expressly varied by this Act) incorporated with and form part of this Act

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and shall apply to the Company and to the capital by this Act authorised to be raised by them.

Interpreta-
tion.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction
The expression—

“The Company” means the Manchester Sheffield and Lincolnshire Railway Company ;

“The railway” means the railway and other works by this Act authorised ;

“The Act of 1893” means the Manchester Sheffield and Lincolnshire Railway Act 1893 ;

“The Extension to London Act 1893” means the Manchester Sheffield and Lincolnshire Railway (Extension to London &c.) Act 1893 ;

“The Act of 1895” means the Manchester Sheffield and Lincolnshire Railway Act 1895 ;

“The plans of 1891” means the plans deposited with reference to the Extension to London Act 1893 ;

“Centre line of the railway” means the centre line of the railway shown on the plans of 1891 :

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.

Power to
make rail-
way.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the 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 herein-before referred to and authorised by this Act is—

A railway one mile and four chains in length commencing in the parish of Harrow-on-the-Hill in the county of Middlesex by a junction with Railway No. 8 authorised by the Act of 1895 and terminating in the parish of Willesden in the same county by another junction with the said Railway No. 8.

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6. The Company shall abandon the construction of the Railway No. 9 authorised by the Extension to London Act 1893.

Power to
abandon a
certain railway.

7. The abandonment by the Company under the authority of this Act of Railway No. 9 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 the Extension to London Act 1893.

Compensa-
tion for
damage to
land by entry
&c. for
purposes of
railway
abandoned.

8. 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 the railway 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 Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensa-
tion to be
made in
respect of
railway
abandoned.

9. Notwithstanding the provisions of sub-section (3) of section 34 of the Extension to London Act 1893 the Company may in the construction of the tunnel shown on the plans of 1891 (Railway No. 3) in the parish of Catesby in the county of Northampton extend the same for a length of one hundred and twenty yards or thereabouts in a northerly direction as shown on the deposited plans and so far as such tunnel will be situate on the Catesby House Estate the Company may if necessary for a length not exceeding twenty yards or thereabouts measured in a southerly direction along the centre line of the tunnel from the point shown on the deposited plans where such centre line intersects the boundary fence of the property of the Company construct the same by cut and cover and maintain the same as a covered way but so as to cause no unnecessary inconvenience to the owners or occupier of Catesby

Amendment
of section 34
of Extension
to London
Act.

A.D. 1896. House and the Company may acquire temporarily so much of the lands numbered 17 and 19 in the parish of Catesby delineated on the said plans as may be required for that purpose but the surface of the land over the said covered way shall not be acquired permanently by the Company and the Company shall upon the completion of the said covered way restore such service and cause the same to be re-turfed to the reasonable satisfaction of such owners and occupier.

Short extension of tunnel at Catesby.

The Company may also by open cut and cover extend the said tunnel in a southerly direction for a length of ninety yards or thereabouts measuring along the said Railway No. 3 from the south end of the tunnel as authorised by the Extension to London Act 1893.

Alteration of levels of roads.

10. Subject to the provisions of this Act the Company may alter the line and levels of the roads next herein-after mentioned and may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plans.	County and Parish.	Description of Road.	Intended Inclination.
COUNTY OF NOTTINGHAM.			
2	East Leake	Public road	1 in 20.
COUNTY OF NORTHAMPTON.			
11	Charwelton	Public road	1 in 21 on west side.
COUNTY OF MIDDLESEX.			
8	Willesden	Public road	1 in 29.

Power to divert and alter roads as shown on deposited plans.

11. Subject to the provisions of this Act the Company may divert and alter the public roads and paths herein-after mentioned to the extent and in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road or path is made to the satisfaction of two justices and is open for public use the Company may stop up and cause to be discontinued as a road or path the whole or so much of the existing road or path shown on the deposited plans as will be rendered unnecessary by the new portion of road or path (that is to say):—

In the county of Nottingham—

(1) A public footpath in the parish of Hucknall Torkard numbered 76 in that parish on the plans of 1891 (Railway

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- No. 1) commencing at a point on that footpath one chain or thereabouts measured in a westerly direction along that footpath from the centre line of the railway where it crosses that footpath and terminating by a junction with the public road known as Wood Lane at a point on that road one chain or thereabouts measured in a westerly direction along that road from the centre line of the railway where it crosses that road;
- (2) A public road in the parish of East Leake numbered 22 in that parish on the plans of 1891 (Railway No. 1) commencing at a point on that road one chain or thereabouts measured in a north-westerly direction along that road from the centre line of the railway where it crosses that road and terminating at a point on that road fourteen chains or thereabouts measured in a south-easterly direction along that road from the said point of crossing of the centre line of railway;
- (3) A public footpath in the parish of East Leake which passes along the northern fence of the field numbered 36 in that parish on the plans of 1891 (Railway No. 1) commencing on that footpath at or near the north-west corner of that field and terminating at a point on the same footpath seven chains or thereabouts measured in an easterly direction along that footpath from the centre line of the railway where it crosses that footpath;
- (4) A bridle path in the parish of East Leake which passes along the north fence of the field numbered 49 in that parish on the plans of 1891 (Railway No. 1) commencing at the junction of the bridle path with the public road numbered 51 in the same parish on the plans of 1891 and terminating in that bridle path at or near the north-west corner of the field numbered 49 in that parish on the plans of 1891;
- (5) A public road in the parish of East Leake numbered 51 in that parish on the plans of 1891 (Railway No. 1) commencing at a point on that road five chains or thereabouts measuring along that road in a north-easterly direction from the centre line of the railway where it crosses the road and terminating at a point on that road five chains or thereabouts measuring in a south-westerly direction along that road from the said point of crossing of the centre line of the railway;
- (6) A bridle path or public footpath in the parish of Stanford-upon-Soar which passes along the northern fence of the field numbered 9 in that parish on the plans of 1891 (Railway No. 1) commencing at a point on that path one chain or thereabouts measured along that path in a westerly direction from the

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centre line of the railway where it crosses that path and terminating at a point on the same path ten chains or thereabouts measured along that path in a south-easterly direction from the north-west corner of the field numbered 11 in that parish on the plans of 1891 :

In the county of Leicester—

- (7) A bridle path in the parish of Barrow-upon-Soar which passes along the south-eastern fence of the field numbered 25 in that parish on the plans of 1891 (Railway No. 1) commencing at a point on that path eleven chains or thereabouts measured in an easterly direction along that path from the centre line of the railway where it crosses that path and terminating at a point on that path 13·5 chains or thereabouts measured along the same path in a south-westerly direction from the said point of crossing of the centre line of the railway ;
- (8) A public footpath in the parishes of Rothley and Thurcaston passing through the field numbered 13 in the parish of Rothley on the plans of 1891 (Railway No. 1) commencing in that parish at a point on that footpath seven chains or thereabouts measured along that footpath in an easterly direction from the centre line of the railway where it crosses that footpath and terminating in the parish of Thurcaston at a point on the same footpath twelve chains or thereabouts measured in a south-westerly direction along that footpath from the said point of crossing of the centre line of the railway ;
- (9) A public footpath in the parish of Leicester Abbey crossing the nursery garden numbered 14 in that parish on the plans of 1891 (Railway No. 1) in a northerly and southerly direction commencing at the junction of that footpath with the public road numbered 13 in that parish on the plans of 1891 and terminating at a point on the same footpath one chain or thereabouts measured in a south-westerly direction along that footpath from the centre line of the railway where it crosses that footpath ;
- (10) A public footpath in the parish of St. Mary Leicester in the county of the borough of Leicester passing along the eastern fences of the fields numbered 49 and 50 in that parish on the plans of 1891 (Railway No. 2) and thence to St. Mary's Mill commencing at a point on that footpath nine chains or thereabouts measured along the footpath in a northerly direction from the centre line of the railway where it crosses that footpath and terminating at a point two chains or thereabouts from the bridge carrying the occupation road

leading from the house in the occupation of William Henry Bates to St. Mary's Mill measured in a westerly direction along that occupation road ;

- (11) A public footpath in the parish of Cosby leading from Cosby to Willoughby Waterless passing through fields numbered 17 20 21 22 24 25 and 27 in the parish of Cosby on the plans of 1891 (Railway No. 2) commencing at a point on that footpath five chains or thereabouts measured along that footpath in a northerly direction from the south corner of the field numbered 17 and terminating at or near the point where the same footpath crosses the main road in the parish of Cosby numbered 29 in that parish on the plans of 1891 ;
- (12) A public footpath in the parish of Ashby Magna crossing the field numbered 27 in that parish on the plans of 1891 (Railway No. 2) commencing at a point on that footpath one chain or thereabouts measured in a north-easterly direction along that footpath from the centre line of the railway where it crosses the same footpath and terminating by a junction with the new or altered road over the railway at Ashby Magna Station at a point one chain or thereabouts measured along such new or altered road in an easterly direction from the centre of the bridge carrying that road over the railway ;
- (13) A public footpath in the parish of Lutterworth crossing the allotment gardens numbered 38 in that parish on the plans of 1891 (Railway No. 2) commencing at the junction of that footpath with the public road or street known as Ely Lane in the said parish and terminating at a point on that footpath nine chains or thereabouts measured along the same footpath in a north-easterly direction from the point of commencement ;
- (14) A public footpath in the parish of Lutterworth crossing the north end of the field numbered 39 in that parish on the plans of 1891 (Railway No. 2) commencing at the junction of that footpath with the public road or street known as Ely Lane in the said parish and terminating at a point on that footpath thirteen chains or thereabouts measured along the footpath in a south-easterly direction from the point of commencement ;
- (15) A bridle path or public footpath in the parish of Shawell passing along the north fence of the field numbered 37 in that parish on the plans of 1891 (Railway No. 2) commencing at a point on that path two chains or thereabouts measured along that path in a south-easterly direction from the centre line of the railway where it crosses the same path and terminating at a point on that footpath fifteen chains or thereabouts measured

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along that path in a north-westerly direction from the point of commencement ;

- (16) A public footpath in the parish of Shawell passing along the north fence of the field numbered 41 in that parish on the plans of 1891 (Railway No. 2) commencing at or near the point on that footpath where it passes the south-west corner of the Shawell churchyard and terminating in the same footpath at or near the north-west corner of the said field numbered 41 :

In the county of Northampton—

- (17) So much of the public footpath from Eydon to Woodford in the parishes of Eydon and Woodford-cum-Membris as passes through a field numbered 218 upon the Ordnance map of the parish of Eydon (scale $\frac{1}{2500}$) and the fields or enclosures numbered upon the said Ordnance map 85 112 96 and 121 in the parish of Woodford-cum-Membris and the substitution for such portions of footpath of a path commencing at the southernmost corner of the said field numbered 218 and terminating at a point upon the western fence of the said field 218 fifty-seven yards or thereabouts south from the north-western corner of that field ;

- (18) So much of the road passing through the field numbered 21 on the plans of 1891 (Railway No. 4) in the parish of Helmdon as leads in an easterly direction from the public road numbered 18 on the said plans for a distance of one hundred and ten yards and to substitute therefor a road connecting the public roads numbered 18 and 22 respectively upon the said plans along the eastern boundary of the Company's railway now in course of construction where it passes through those fields ;

- (19) The public footpath passing through the fields numbered 13 and 15 in the parish of Helmdon upon the plans of 1891 (Railway No. 4) throughout its whole length where it passes through those fields and the substitution therefor of a footpath commencing at the western boundary of the said field numbered 13 and passing thence to the arch now erected under the said railway over an occupation road through the said field numbered 13.

Construction
of a foot-
bridge over
the Midland
Railway in
the parish of
Cosby.

12. Before the Company stop up or cause to be discontinued as a public path the public footpath in the parish of Cosby in the county of Leicester by this Act authorised to be diverted and closed they shall construct and open to the public a bridge to carry the existing footpath which now crosses the Leicester and Rugby line of the Midland Railway Company on the level over that railway. Such bridge shall be six feet wide at the least with a headway over

the said railway of not less than fourteen feet six inches for a length of twenty-eight feet and shall be constructed and for ever thereafter maintained at the expense of the Company to the satisfaction in all respects of the engineer for the time being of the Midland Railway Company and from and after the construction and opening of the said bridge all rights of way over the existing level crossing shall cease and determine.

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13. When and so soon as each of the said roads or paths or any part thereof 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 railways appropriate and use for the purposes of their undertaking the site of the roads or paths stopped up so far as the same are bounded on both sides by the lands of the Company.

Appropriation of sites of roads &c. stopped up.

14. Whereas the railway by this Act authorised is intended to be carried over certain lands in the parish of Willesden in the county of Middlesex shown on the deposited plans and across a certain stream therein used as a feeder from the Brent reservoir for the supply of the Paddington long level of the Grand Junction Canal and of the Regent's Canal and it is expedient to make provisions in respect thereof as herein-after mentioned Therefore

For protection of the Brent feeder.

(1) Nothing in this Act contained shall take away lessen prejudice alter or affect any of the estates rights interests powers and privileges vested in the company of proprietors of the Grand Junction Canal and in the North Metropolitan Railway and Canal Company (herein-after called "the two canal companies") and the Company shall not without the previous consent of the two canal companies in writing under their respective common seals and except as herein-after provided alter the levels or beds of the feeder or watercourse or the banks or boundaries thereof or obstruct the present means of access thereto or divert intercept cut off take use or lessen any of the waters flowing in or by means of the feeder or watercourse or which the two canal companies or either of them are authorised to take for the supply to or use of the feeder and the before-mentioned canals or damage injure or interfere with any of the works of the feeder or watercourse or take or use (except as aforesaid) any part of the feeder or watercourse or any land belonging to the two canal companies or either of them or in which they may be interested and nothing herein contained shall compel the two canal companies or either of them to convey or assign to the Company the fee simple or other

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interest in any land now belonging to them or either of them or in which they may be interested over which the railway and works of the Company are intended to be made but the same shall (except as herein-after provided) remain vested as if this Act had not been passed subject nevertheless to the right of the Company and their successors for ever hereafter to construct the railway and works hereby authorised and to cover in the feeder as hereby provided together with all rights and easements necessary to the due use and enjoyment of the same :

- (2) The Company may in the construction of the said railway divert the said feeder in the line and between the points shown on the deposited plans and in carrying out such diversion the Company shall not without the consent in writing of the two canal companies under their respective common seals deviate from the line of such diversion as shown on the deposited plans :
- (3) The said diversion shall be made of a width of not less than ten feet and walled on both sides with brick or stone or concrete for the entire length thereof and the diverted portion of the feeder shall when such diversion shall be completed be vested in the same manner as the existing feeder and the two canal companies respectively shall have the same rights and interests in all respects in such diverted portion of feeder as in the existing feeder and the portion of the existing feeder for which such diversion is substituted may be appropriated and used by the Company for the purposes of their undertaking :
- (4) For the purposes of carrying the railway and any works to be constructed by the Company in connexion therewith over the feeder as so diverted and also over such other part of the now existing feeder as may be situated within any lands in the parish of Willesden acquired by the Company under the powers of this Act the Company shall construct a culvert or culverts of brick concrete stone or iron over such diverted portion of feeder and such other portion of the feeder as aforesaid and the whole of such other portion shall be made of the same width and walled in all respects as is herein-before provided with respect to the diverted portion of the feeder and they shall thereafter maintain and keep such culvert or culverts in good and substantial condition and repair and any such culvert shall be of not less than ten feet span measured at right angles to the face of the abutments thereof and no

part of the soffit or underside of any such culvert shall be less than six feet clear above the bed of the feeder. Provided nevertheless it shall not be obligatory upon the Company to cover over culvert or wall in any portion of the said feeder where it passes through the lands numbered 194 on the deposited plans in the parish of Willesden unless and until they shall construct any works across or within four feet of the said last-mentioned portion of the said feeder or shall otherwise interfere with the access thereto :

(5) The Company shall deepen the channel of the feeder so far as situate within the limits of deviation of the railway as shown on the deposited plans (including the diverted portion of feeder) so that the same shall be throughout of a depth uniform with that of the lowest part of the existing channel within such limits and shall at all times cleanse the said feeder (including as aforesaid) for the same distance and keep the same free of all deposits or accumulations of refuse or growth and the Company shall remove all the earth to be excavated in making such diversion or enlargement and carrying cut the works of the Company from the lands and premises of the two canal companies :

(6) The works connected with the diversion and covering of the feeder shall be made and for ever maintained by the Company in good substantial and water-tight condition and repair and so far as relates to all precautions for the safety and preservation of the feeder and watercourses the water passing by means thereof respectively and for preserving a free and uninterrupted access to and along the feeder shall be made and done in accordance with plans and specifications to be in every case before the commencement of the works or repairs submitted for his approval to and approved by the engineer of the North Metropolitan Railway and Canal Company and the same works and repairs shall be commenced carried on and completed under his superintendence and to his satisfaction and if and whenever during the progress of any of the works or repairs thereof any damage or injury is occasioned to the feeder or watercourse or the works thereof the Company shall under the superintendence and to the satisfaction of the said engineer restore the same to the same state and condition as before the happening of the damage or injury and if and whenever during or after the making or repairing of the said works by reason of the same or of the making or repairing of the same or by reason of any defect in the making or repairing of the same or by reason of any

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failure or want of repair of the same or otherwise any loss of water or any obstruction to the free passage of water along the feeder or to the means of access to and along the feeder occurs and notice in writing thereof is given by or on behalf of the two canal companies or either of them to the Company or their secretary or other officer and the Company do not within fourteen days after the notice or forthwith if the nature of the case so requires well sufficiently and effectually prevent the loss of water or remove the obstruction or make or do for the purpose under the superintendence and to the satisfaction of the said engineer all proper and sufficient works repairs and things and complete the same with all reasonable expedition the two canal companies or either of them from time to time may under the superintendence and to the satisfaction of the said engineer make or do the same and prevent the loss of water or remove the obstruction and the Company shall from time to time pay to the two canal companies all the costs and expenses incurred by them respectively in that behalf and to the said engineer his charges for his services and superintendence in connexion with and incidental to the carrying out of any of the works which the Company is authorised or under obligation to carry out by this section The diversion covering enlargement and walling of the feeder and all the works connected therewith shall be completed within twelve months after the day on which the same are commenced and if the same or any of them are not completed within that period the Company shall forfeit and pay to each of the two canal companies as and for liquidated damages the sum of twenty shillings for every day after the expiration of that period until the same are completed :

- (7) If and whenever during or after the making or repairing of any of the works by this Act authorised or by reason of the same or of the making or repairing of the same or by reason of any defect in the making or repairing of the same or by reason of any failure or want of repair of the same or by reason of any act neglect or omission of the Company or of their agents servants or workmen any water in the feeder or watercourse leaks escapes or runs to waste from the feeder or watercourse the Company shall pay to each of the two canal companies as and for liquidated damages the sum of ten shillings for every reasonably estimated one thousand cubic feet of water which so leaks escapes or runs to waste and in the same proportion for any other quantity and if and when-

ever by reason of any of those circumstances or causes the free passage and running of water along or by means of the feeder or watercourse shall be in any way obstructed or interfered with or if the access to and along the feeder is so obstructed as to prevent the two canal companies or either of them or any of their servants or workmen from passing uninterruptedly to and from and along the same the Company shall pay to each of the two canal companies the sum of twenty shillings as and for liquidated damages for every hour during which the obstruction or interference continues after notice thereof is given by or for the two canal companies or either of them to the Company or their secretary or other officer and if and whenever any such obstruction or interference continues for more than forty-eight consecutive hours after the notice or is caused by any wilful act neglect or omission on the part of the Company or any of their agents servants or workmen the Company shall pay to each of the two canal companies the sum of forty shillings as and for liquidated damages for every hour during which the obstruction or interference continues :

Nothing herein contained shall prevent the two canal companies or either of them or any person from recovering from the Company in addition to the liquidated damages the amount of any special damage sustained by them or him or that they or he may be liable to pay for or on account or by reason of the acts neglects or defaults of the Company or by reason of the leakage escape or running to waste of any water from the feeder or watercourse if the same shall be caused or happen by reason of any of those circumstances or causes or of the making or maintaining of the railway or of any of the herein-before mentioned works respectively and the two canal companies or either of them and any such person may sue for and recover the special damage in any court of competent jurisdiction :

- (8) The two canal companies shall have full powers from time to time to enter the feeder when so diverted and covered in at either end thereof for the purpose of seeing that the provisions herein-before made for cleansing the same and maintaining the walls and culverts thereof are duly carried out.

15. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may from time to time enter upon take use and appropriate for the purposes of their undertaking all or any of the lands herein-after

Power to
Company
to acquire
lands for
general
purposes.

A.D. 1896. mentioned delineated on the deposited plans and described in the deposited books of reference (that is to say):—

County of Lancaster—

Certain lands in the township of Oldham in the parish of Prestwich-cum-Oldham bounded by Falcon Street and Havelock Street and adjoining other land belonging to the Company :

County of Northampton—

Certain lands and buildings belonging to or reputed to belong to Lord Knightley or others in the parishes of Charwelton and Woodford-cum-Membris situate upon the northern side of the public road leading from Byfield to Woodford and lying on either side of the Company's Railway No. 3 authorised by the Extension to London Act 1893 now in course of construction :

County of Middlesex—

Certain lands in the parishes of Willesden Kingsbury and Harrow-on-the-Hill or one or more of them lying to the south of and abutting upon the Metropolitan Railway and to the west of the Midland Branch Railway.

For the protection of the Willesden Urban District Council.

16. For the benefit and protection of the Willesden Urban District Council (in this section called "the council") the following provisions shall unless otherwise agreed on in writing between the council and the Company have effect:—

- (1) Before commencing any works of or in connexion with the railway by this Act authorised or the laying down of any sidings upon the lands in the parish of Willesden to be acquired under the powers of this Act or any other works which may affect the sewers of the council which are now carried under such lands one of such sewers passing under the Metropolitan Railway at or near the north-western corner of the property numbered on the deposited plans 4 in the parish of Willesden and passing thence in a direction generally south through the said property numbered 4 and the properties numbered 197 and 199 into the property numbered 200 in the said parish on the said plans and thence into the road known as Dog Lane (which sewer is herein-after referred to as "the western sewer") and the other of such sewers passing under the Metropolitan Railway immediately to the eastward of Neasden Station through the properties numbered on the deposited plans 14 13 191 and 194 in the said parish and thence in a westerly direction to the Willesden Isolation Hospital belonging to the council (which sewer is herein-after referred to as "the eastern sewer") the Company shall reconstruct both the said sewers either in their present respective positions or in such positions

as shall be agreed between the Company and the council in accordance with the following particulars (that is to say):— A.D. 1896.

- (2) The eastern and western sewers shall be reconstructed from the southern side of the Railway No. 8 authorised by the Act of 1895 (as to be constructed by the Metropolitan Railway Company) to the western boundary of the land to be acquired by the Company in the field numbered 194 and to the south-eastern corner of the field numbered 200 respectively on the deposited plans and shall be of the size internally of four feet six inches by three feet. Three manholes shall be provided in each sewer one at each extremity of the reconstructed portions and one as near the middle of the same as may be possible:
- (3) During the reconstruction of the respective sewers the Company shall provide to the satisfaction of the engineer of the council means of carrying off the sewage and drainage passing through the existing sewers:
- (4) The Company shall in the event of any injury arising to either of the reconstructed sewers from the passage of engines or carriages trucks or traffic of any kind of the Company over the same as soon as may be at their own expense repair such damage providing if necessary by means of substituted sewers for the passage of sewage and drainage during the period of repair:
- (5) The Company shall not commence any of the works to be executed by them under this section until they shall have given to the council twenty-one days' notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the council with plans sections and other necessary particulars of the construction of the said works nor until the council shall have signified their approval of the same unless the council shall fail to signify their approval or disapproval within twenty-one days after service of the said notice and delivery of the said plans sections and other particulars as aforesaid in which event the Company may proceed forthwith with the said works in accordance with the said plans sections and particulars and in case such plans sections and other particulars are not agreed upon any difference between the Company and the council with reference to any of the matters aforesaid shall be determined by arbitration as herein-after provided:
- (6) All works to be executed and things to be done by the Company under the provisions of this section shall be executed and done respectively at the expense of the Company under

A.D. 1896.

the superintendence and to the reasonable satisfaction of the engineer to the council and the Company shall comply with and conform to all reasonable directions and regulations of such engineer in the execution of the said works and the doing of the said things :

(7) Nothing herein contained shall interfere with any rights which the council now have to enter upon any lands which may be acquired by the Company under the powers of this Act for the purpose of inspecting examining maintaining repairing or renewing the said sewers or either of them :

(8) Any additional expense from time to time imposed upon the council in the maintenance and repairs of the said sewers by reason of the existence or use of the railway or of any such sidings as aforesaid over or near the said sewers respectively shall be borne and paid by the Company and may be recovered by the council in any court of competent jurisdiction :

(9) The watercourse shown on the deposited plans as passing under the Metropolitan Railway immediately to the eastward of Neasden Station and thence passing under the road numbered on the said plans 14 in the parish of Willesden and thence through the properties numbered on the deposited plans 13 and 193 in the said parish may be diverted by the Company in such manner and to such position as may be agreed on between the Company and the council so as to be clear of the works of the Company provided that the Company shall at all times keep the said diverted watercourse open to the full discharging capacity of the watercourse as at present existing and the portion or portions of the existing watercourse after the completion of such diversion as aforesaid shall be filled in and used by the Company for the purposes of their undertaking :

(10) The Company shall divert the road No. 8 on the deposited plans in the parish of Willesden in the manner shown on a plan signed by Sir Douglas Fox on behalf of the Company and Oliver Claude Robson on behalf of the council and dated the twenty-eighth day of April one thousand eight hundred and ninety-six and such diverted road shall be of a width of not less than forty feet and when the same shall be opened to the public the site of the existing road between the points of diversion shall on the Company becoming the owners of the land on both sides thereof be vested in the Company :

(11) Nothing in this Act shall authorise or empower the Company to make the gradients of the existing approaches to the bridge

by which Dog Lane is carried over the Metropolitan Railway A.D. 1896.
steeper than they are now:

- (12) In case of any difference or dispute arising between the respective engineers of the council and the Company touching or concerning the true intent and meaning of this section or the construction or carrying into effect of any of the works matters or things to be done or performed by the Company in pursuance thereof the same shall be referred to and settled by an engineer or other fit person to be agreed upon between the parties or in default of agreement by an engineer to be nominated by the president for the time being of the Institution of Civil Engineers on the application of either party and the costs of the reference shall be in his discretion.

17. Subject to the provisions of this Act the Cheshire Lines Committee in addition to the other lands which they are authorised to acquire may from time to time enter upon take use and appropriate for the purposes of their undertaking all or any of the lands herein-after mentioned delineated on the deposited plans and described in the deposited books of reference (that is to say):—

Power to
Cheshire
Lines Com-
mittee to
acquire
lands.

County of Chester—

Certain lands houses and buildings in the parish of Stockport adjoining and on the south-easterly side of the Stockport and Woodley Branch Railway of the Committee near to Mottram Street;

Certain other lands in the parish of Stockport lying and abutting upon the south side of the said Stockport and Woodley Branch Railway and bounded on the south-west by other land belonging to the Committee and by the said branch railway near the Brinnington Tunnel on that railway;

Certain other lands in the parish of Great Budworth adjacent to the Cheshire Midland Branch Railway of the Committee near Northwich Station;

Certain other lands in the said parish of Great Budworth lying and abutting on the southerly side of the Cheshire Midland Branch Railway and adjoining Lostock Gralam Station:

County of Lancaster—

Certain lands houses and buildings in the township of Toxteth Park within the city of Liverpool on the north-east side of Grafton Street;

Certain other lands houses and buildings in the township of Garston in the parish of Childwall adjoining and abutting on the north-easterly side of the Garston and Liverpool Branch

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Railway of the Committee and bounded on the north-west side by Beechwood Road;

Certain other lands houses and buildings in the township of Halewood in the parish of Childwall lying on the north-easterly side of the Liverpool North Extension Railway of the Committee adjoining and near to the Halewood West Junction on that railway;

Certain other lands houses and buildings in the said township of Halewood abutting on the north side of the Manchester and Liverpool Railway of the Committee and between the east and west junction curves of the Committee's Liverpool North Extension Railway;

Certain other lands houses and buildings in the township of Stretford and parish of Manchester bounded on the north side by the Bridgewater Canal and on the south by the railway of the Committee.

The purchase and acquisition by the Cheshire Lines Committee of any lands in this section referred to already purchased and acquired by the Committee is hereby confirmed but nothing in this Act shall exempt the Committee from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands so taken.

For protection of the corporation of Manchester.

18. For the protection of the mayor aldermen and citizens of the city of Manchester (herein-after called "the corporation") the following provisions shall have effect (that is to say):—

(1) Prior to the execution of any works on the lands No. 13 in the township of Stretford in the parish of Manchester shown upon the deposited plans over or under the main outfall sewer of the corporation which passes under such lands the Cheshire Lines Committee (in this section referred to as "the Committee") shall give at least twenty-one days' notice in writing to the town clerk of the city of Manchester and such works shall be executed under the superintendence of and to the reasonable satisfaction of the city surveyor:

(2) In the execution and maintenance of any works upon such lands or any part thereof such works shall be constructed and maintained so as not to interfere with the said main outfall sewer or the access thereto and so that the said works of the Committee shall be self-supporting and wholly independent of the main outfall sewer of the corporation. The said works of the Committee so far as they might interfere with the said sewer shall be executed according to plans sections and

drawings previously submitted to and approved in writing by the engineer of the corporation : A.D. 1896.

- (3) If by reason of the execution of works by the Committee any works of the corporation be injured or any additional works for their protection become requisite the corporation at the expense of the Committee may make such repairs connexions and additions as may be required provided that if the corporation neglect after reasonable notice to make the same they may be made by the Committee :
- (4) If any difference arise between the corporation and the Committee touching this section or anything to be done or not to be done or any money other than a penalty to be paid thereunder such difference shall be determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed (on the application of either of the parties) by the President for the time being of the Institution of Civil Engineers.

19. The Manchester South Junction and Altrincham Railway Company (herein-after called "the Altrincham Company") in addition to the other lands which they are authorised to acquire may from time to time enter upon take use and appropriate for the purposes of their undertaking the lands herein-after mentioned delineated on the deposited plans and described in the deposited books of reference (that is to say) :—

Power to Manchester South Junction and Altrincham Company to acquire lands.

Certain lands in the township of Sale in the parish of Ashton-upon-Mersey in the county of Chester abutting on the railway of that company and bounded by the said railway by the Bridgewater Canal and by Dean Road.

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

Power to take easements &c. by agreement.

21. The powers of the Company or of the Cheshire Lines Committee or the Altrincham Company respectively 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.

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Period for
completion
of works.Imposing
penalty
unless rail-
way opened
within the
time limited.

22. If the railway be not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as may be then completed.

23. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster General for and on behalf of the Supreme Court in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing
for applica-
tion of
penalty.

24. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums

of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway has 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 repaid or retransferred to the Company.

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25. And whereas Railway No. 8 authorised by the Act of 1895 is under the provisions of that Act and of the agreement scheduled thereto to be constructed by the Metropolitan Railway Company (herein-after called "the Metropolitan Company") but is reserved for the exclusive and separate use of the Company and is subject to the provisions of the said Act and of the said agreement to be deemed to form part of the railway of the Metropolitan Company And whereas a large portion of the lands in the parishes of Willesden Kingsbury and Harrow-on-the-Hill in the county of Middlesex which the Company are by this Act authorised to enter upon take use and appropriate for the purposes of their undertaking belongs to the Metropolitan Company And whereas the railway is intended to commence and terminate by junctions with the said Railway No. 8 and to be constructed for the greater part of its length through the said lands belonging to the Metropolitan Company And whereas the railway might be so used as to divert traffic from the said Railway No. 8 Therefore the following provisions shall be observed and have effect with reference to the construction and use of the railway and the acquisition of the said lands (that is to say) :—

For the protection of the Metropolitan Railway Company.

(1) The Company shall not except for the purpose of forming the junction with the said Railway No. 8 shown upon the plans deposited with reference to the Act of 1895 enter upon take or use any part of the said lands in the said parishes of Willesden Kingsbury and Harrow-on-the-Hill shown on the plans deposited with reference to this Act lying within one hundred feet of the southernmost rail of the existing railway of the Metropolitan Company and the remainder of the said lands belonging to the Metropolitan Company and shown on the last-mentioned deposited plans shall be sold to and purchased by the Company for a price or sum estimated at the rate of three hundred and fifty pounds per acre which purchase shall be completed so soon after the passing of this Act as the Metropolitan Company shall have deduced and shown a good title thereto :

(2) The Metropolitan Company shall in constructing the said Railway No. 8 where it passes through the said lands in the

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said parishes of Willesden Kingsbury and Harrow-on-the-Hill deviate the centre line thereof as shown on the plans deposited with reference to the Act of 1895 in the manner shown on a plan agreed upon and signed by J. Wolfe Barry C.B. on the part of the Metropolitan Company and Sir Douglas Fox on behalf of the Company :

- (3) The railway shall not be used by the Company for the carriage of through traffic which has passed or is intended to pass over the Metropolitan Railway so as to diminish the mileage proportion payable to the Metropolitan Company out of the rates due in respect of such traffic where the same has arisen at any point west and is destined for any point east of the junctions between the railway and the Metropolitan Railway or vice versa and the mileage proportion of the rates on the traffic so passed over the railway shall be paid to the Metropolitan Company in accordance with Article 3 of the agreement between the Company and the Metropolitan Company dated the eighteenth day of December one thousand eight hundred and ninety and scheduled to the Extension to London Act 1893 in the same manner as if the traffic had passed entirely over the Metropolitan Railway and not over the railway and partly over the Metropolitan Railway :
- (4) Subject to the provisions of this Act the junctions at the commencement and termination of the railway shall be at the points shown upon the agreed plan mentioned in subsection 2 of this section :
- (5) For the purpose of enabling the Metropolitan Company to construct the said Railway No. 8 in accordance with the provisions of this section the Company shall at the request and at the cost of the Metropolitan Company and so far as they legally can exercise all or any of the powers for the purchase of lands and construction of works conferred upon them by this Act :
- (6) Any dispute or difference between the Metropolitan Company and the Company as regards any matter arising under this section shall be dealt with in the manner provided by Article 12 of the agreement dated the eighteenth day of December one thousand eight hundred and ninety herein-before referred to.

Provision as
to use of
railway at
Neasden.

26. The Company shall not be entitled to use the railway or any of the works to be constructed in connexion therewith for the purpose of a passenger station or for the purpose of delivering therefrom any traffic other than coal coke and cannel in respect of which last-mentioned traffic the Company may charge the terminals

authorised by the Railway Rates and Charges No. 12 (Manchester Sheffield and Lincolnshire Railway &c.) Order Confirmation Act 1892.

A.D. 1896.

27. The following provisions shall apply to the lands or buildings situate on over or adjoining the tunnels of the Company in the county of London in the county of the town of Nottingham and in the county of Nottingham or otherwise connected with the structure of their railway and works which lands and buildings are in this section referred to as "the premises":—

Power to deal with lands over tunnels &c.

(A) The premises shall not be deemed superfluous land within the meaning of the Lands Clauses Consolidation Act 1845:

(B) The Company may hold and let the premises and may grant leases of the same or of any parts thereof for any term and subject to such reservations restrictions and other provisions as the Company may think fit Provided that nothing contained in any lease to be granted under the powers of this section shall prejudicially affect or interfere with the working of the railways of the Company or the accommodation of the traffic thereof and that the Company in every such lease shall reserve to themselves the right of re-entry in the event of the premises being at any time required for any of the purposes of their undertaking upon their giving to the lessee his executors administrators or assigns six months' notice of such requirement and paying to him or them such an amount of purchase money or compensation as in case of difference shall be settled by arbitration in manner provided by the Lands Clauses Acts for the settlement of cases of disputed compensation Provided that nothing in this section shall affect or interfere with the restrictions and provisions contained in sections fifty-two and one hundred and two of the Extension to London Act 1893 and provided also that any building erected on such lands within the county of London shall be subject to the provisions of the London Building Act 1894.

28. Notwithstanding anything contained in this Act or shown on the deposited plans it shall not be lawful for the Company to encroach upon any part of the surface of any street or footway in the county of London or without the consent of the London County Council to erect or maintain any building beyond the general line of building in any street in that county.

Buildings not to be brought beyond general line &c.

29. Whereas by the Extension to London Act 1893 powers were taken by the Company to acquire the lands mentioned and referred to in the First Schedule hereto in the parish of Saint Marylebone

Provision for erection of an hotel in London.

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in immediate proximity to the Company's intended station therein with a view to the erection of an hotel thereon in connexion with the said station and it is expedient that instead of the Company erecting and maintaining such hotel themselves they should have power to agree with any company or person who may undertake to erect and maintain the same to the satisfaction of the Company Therefore the Company may sell and dispose of in fee simple or may demise or grant a lease subject to such covenants and conditions as they may think fit of the several lands mentioned and referred to in the said schedule for the purpose of the erection and maintenance thereon of an hotel Provided nevertheless that nothing herein contained shall in any way affect any right conferred upon the owners for the time being under section sixty-three of the Extension to London Act 1893.

Power to
sell or lease
lands for
erection of
hotels &c.

30. With a view to the erection of hotels in the borough of Leicester and the county of the town of Nottingham in proximity to and in connexion with the respective stations of the Company there the Company may sell and dispose of in fee simple or on chief or ground rents or demise or grant leases subject to such covenants and conditions as they think fit of so much of any lands belonging to or acquired by them and not required for the other purposes of their undertaking in the places aforesaid as may be necessary for the erection of the said hotels respectively and they may agree with any persons on such terms and conditions as they think fit for the sale or lease of so much of the said lands as aforesaid The sale or demise of the said lands for the purpose aforesaid shall not be deemed or construed as making the said lands superfluous lands within the meaning of section 128 of the Lands Clauses Consolidation Act 1845.

Application
of moneys
arising from
sale of lands.

31. The Company shall apply all the moneys in the nature of capital arising by any such sale or disposition respectively as aforesaid after paying all expenses incident to such sales or dispositions and satisfying all lawful demands to which the lands rents and premises so respectively sold or disposed of shall be liable for and towards the carrying into execution the purposes of this Act or any other purpose to which capital is properly applicable.

Extension of
time to
Altrincham
Company to
widen rail-
ways.

32. The time limited by the Manchester Sheffield and Lincolnshire Railway (Various Powers) Act 1891 to the Altrincham Company for the widening of the portions of railway described in section 5 of that Act is hereby extended for two years from the twenty-first day of July one thousand eight hundred and ninety-six and on the expiration of that period those powers shall cease.

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33. The time limited by the Act of 1893 for the compulsory purchase of lands for Railways (1 4 5 10 and 11) authorised by and described in section 5 of that Act is hereby extended for a period of two years from the twenty-ninth day of June one thousand eight hundred and ninety-six and on the expiration of that period those powers shall cease.

—
Extension of time for purchase of lands authorised by the Act of 1893.

34. The time limited by the Extension to London Act 1893 for the compulsory purchase of lands for Railway (16) and Widenings (1 and 2) authorised by and described in section 5 of that Act is hereby extended for a period of two years from the twenty-eighth day of March one thousand eight hundred and ninety-six and on the expiration of that period those powers shall cease.

Extension of time for purchase of lands for Railway (16) and widenings section 5 Extension to London Act.

35. The time limited by section 52 of the Act of 1895 for the widening and improvement of the main line of the Company between Gorton and Hyde Junction authorised by the Manchester Sheffield and Lincolnshire Railway (Additional Powers) Act 1866 and described in subsection (1) of section 4 thereof is hereby extended for one year from the fourteenth day of June one thousand eight hundred and ninety-six and on the expiration of that period those powers shall cease.

Extension of time for widening main line between Gorton and Hyde Junction.

36. Subject to the provisions of Part II. of the Railways Clauses Act 1863 the time limited by the Extension to London Act 1893 for the compulsory purchase of lands in the parish of Sheffield in the west riding of the county of York authorised by and described in section 67 of that Act is hereby extended for a period of two years from the twenty-eighth day of March one thousand eight hundred and ninety-six and on the expiration of that period those powers shall cease.

Extension of time for compulsory purchase of lands in West Riding of York.

37. Subject to the provisions of Part II. of the Railways Clauses Act 1863 the time limited by the Extension to London Act 1893 for the compulsory purchase of the lands delineated on the deposited plans and described in the deposited books of reference referred to in that Act and described in section 67 of that Act as “ Certain lands
“ situate in the parishes of Great Grimsby and Great Coates in the
“ county of Lincoln forming part of the foreshore and of the River
“ Humber and adjoining and abutting upon the north-eastern side
“ on lands belonging or reputed to belong to the Company and the
“ trustees of the late Sir Richard Francis Sutton Baronet ” is hereby extended for a period of two years from the twenty-eighth day of March one thousand eight hundred and ninety-six and on the expiration of that period the powers of such compulsory purchase shall cease Provided nevertheless that notwithstanding anything

Extension of time for compulsory purchase of lands in parishes of Great Grimsby and Great Coates in the county of Lincoln.

A.D. 1896. in this Act contained for extending the time for the purchase of the lands herein-before described the Company shall not in any way alter or interfere with the main drainage outfalls of the county borough of Grimsby except with the consent in writing under the common seal of the Grimsby Corporation and according to plans sections and specifications to be previously approved by that corporation.

Extension of time for other lands at Great Grimsby.

38. The time limited by the Act of 1893 for the compulsory purchase of lands in the parish of Great Grimsby and county of Lincoln adjoining the Grimsby Town Station of the Company and Bethlehem Street authorised by and described in section 15 of that Act is hereby extended for a period of two years from the twenty-ninth day of June one thousand eight hundred and ninety-six and on the expiration of that period those powers shall cease.

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

39. Whereas the periods for the sale of superfluous lands by the Cheshire Lines Committee was extended by the Cheshire Lines Act 1893 and it is expedient that further powers with regard thereto should be conferred upon the Committee Therefore the Committee may notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any Act relating to the Committee with which that Act is incorporated retain and hold any lands belonging to them in the parishes townships or places mentioned in the Second Schedule to this Act which have not yet been applied or are not yet required for the purposes of the Committee for the further periods following (that is to say) As regards such of the lands as are situate near to or adjoining any station of the Committee or may in the opinion of the Committee be required by them for the purposes of stations sidings or other conveniences for the further period of ten years from the passing of this Act and as regards the residue of the said lands for the further period of three years from the passing of this Act but the Committee shall at the expiration of such respective periods sell and absolutely dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

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

40. Whereas the periods for the sale of superfluous lands by the Sheffield and Midland Railways Committee (herein-after called "the Sheffield and Midland Committee") was extended by the Cheshire Lines Act 1893 and it is expedient that further powers with regard thereto should be conferred upon the said Committee Therefore the Sheffield and Midland Committee may notwithstanding anything in the Lands Clauses Consolidation Act 1845 or in any Act relating to that Committee with which that Act is incorporated retain and hold

any lands belonging to them in the parishes townships or places mentioned in the Third Schedule to this Act which have not yet been applied or are not yet required for the purposes of that Committee for the further periods following (that is to say) As regards such of the lands as are situate near to or adjoining any station of that Committee or may in the opinion of that Committee be required by them for the purposes of stations sidings or other conveniences for the further period of ten years from the passing of this Act and as regards the residue of the said lands for the period of three years from the passing of this Act but the Sheffield and Midland Committee shall at the expiration of such respective periods sell and absolutely dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

A.D. 1896.

41. The persons for the time being constituting the Dee and Birkenhead Committee are hereby united into a corporation for the purpose of exercising the powers and performing the duties for the time being of that Committee and for that purpose those persons are hereby incorporated by the name of the North Wales and Liverpool Railway Committee and by that name shall be a body corporate with perpetual succession and a common seal and with powers to purchase take hold and dispose of lands and other property.

Incorporation of Dee and Birkenhead Committee and change of name.

Subject to the provisions of this Act the provisions of Part IV. (Change of name) of the Companies Clauses Act 1863 shall apply to the North Wales and Liverpool Railway Committee incorporated by this Act as if it were a company duly incorporated by Act of Parliament.

42. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 2 (Brecon and Merthyr Tydfil Junction Railway &c.) Order 1892 which Order is scheduled to and confirmed by the Railway Rates and Charges No. 2 (Brecon and Merthyr Tydfil Junction Railway &c.) Order Confirmation Act 1892 shall be applicable and apply to the North Wales and Liverpool Railway Committee as if it were one of the railway companies named in the schedule to the Order confirmed by the said Act Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the said Committee shall not be entitled to charge a higher rate than the maximum rate

Rates and charges applicable to North Wales and Liverpool Railway Committee.

A.D. 1896. which they are authorised to charge for the conveyance of parcels of the same weight.

Acts and deeds of Dee and Birkenhead Committee to be binding on North Wales and Liverpool Railway Committee.

43. All deeds purchases sales conveyances contracts and proceedings before the passing of this Act made done entered into or instituted by or with reference to the Dee and Birkenhead Committee shall be as valid and effectual for against and with reference to the North Wales and Liverpool Railway Committee as if the same had been made done entered into or instituted by or with reference to them.

Saving provisions of Wirral Railway Transfer Act 1889 in some respects.

44. Except as in this Act expressly provided nothing in this Act shall affect the provisions of the Wirral Railway Transfer Act 1889 relative to the nomination of the Committee or their powers and authorities or the regulations of their meetings or the appointment or powers of the arbitrators and those provisions shall continue to operate as if the same were expressly re-enacted herein.

Byelaws &c. with respect to fish market at Great Grimsby.

45. The Company may subject to the approval of the Board of Trade in writing under the hand of the Secretary or an Assistant Secretary of that Board make or rescind and alter from time to time byelaws for or with respect to the regulation management control and maintenance of the fish market carried on at their docks at Great Grimsby in the county of Lincoln and may impose penalties for any infringement of such byelaws.

Company and Corporation of Grimsby may enter into agreements with respect to dock property.

46. The Company and the Grimsby Corporation may from time to time if they shall think fit make and carry into effect agreements in respect of any of the matters herein-after mentioned viz. :—

(A) The appointment and control of policemen and other officers for the purpose of watching and protecting the dock property of the Company and the salaries and wages of such policemen and officers :

(B) The payment of the expense of watching and other police purposes within the said dock property :

(C) The contribution to be made and paid by either of the said parties towards such expense :

(D) Any other matters or purposes connected with the watching of the said dock property :

Provided that any such agreement shall be submitted to and approved by the Secretary of State for the Home Department.

Restrictions on displacing persons of labouring class.

47.—(1). The Company the Cheshire Lines Committee and the Altrincham Company (in this section referred to as "the companies") shall not, under the powers of this Act or under the

powers of any former Act revived or extended by this Act respectively purchase or acquire in any city borough or 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 been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the companies—

A.D. 1896.

(A) Shall have respectively 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 days 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) Shall have respectively 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

A.D. 1896. 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 companies or any of them acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme the Company in default 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 companies respectively 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 companies respectively for the purposes of any scheme under this section in the same manner in all respects as if the company purchasing 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 companies respectively may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the companies respectively in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such 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 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 companies respectively 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 companies respectively 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 any former Act the powers of which are revived or 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 companies respectively 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 companies respectively 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) 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

A.D. 1896.

wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Power to apply funds to purposes of Act.

48. The Company or the Cheshire Lines Committee or the Altrincham Company as the case may be may apply for the purposes of this Act which they are respectively empowered to carry into effect and to which capital is properly applicable any moneys which they now have in their hands or which they have power to raise by shares or mortgage and which may not be required for the purposes for which the same were authorised to be raised.

Power for the Company to raise additional capital.

49. The Company may for the purposes of this Act and the general purposes of their undertaking subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole seven hundred and fifty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

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

50. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

51. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Receipt clause in case of

52. If any money is payable to a share or stock holder or mortgagee or debenture stockholder being a minor idiot or lunatic

the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

persons not
sui juris.

53. The Company may in respect of the additional capital of seven hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole two hundred and fifty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to
borrow.

54. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Power
to create
debenture
stock.

55. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the

Existing
mortgages to
have
priority.

A.D. 1896.

continuance of such mortgages and bonds and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Repealing provisions of former Acts with respect to appointment of a receiver.

56. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

Appointment of a receiver.

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

Application of moneys.

58. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the undertaking of the Company being in every case purposes to which capital is properly applicable.

Holding of stock or shares by bodies corporate.

59. Stock and shares of the Company may be transferred to and held in the names of an individual and a body corporate and any such holding shall in its relation to the Company be deemed a joint tenancy.

This section shall apply to stock and shares of the Company of every class and description except so far as there is anything to the contrary in any Act under which the stock or shares was or were created.

Interest on calls not to be paid out of capital.

60. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made

as is in conformity with the Companies Clauses Consolidation Act 1845. A.D. 1896.

61. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

62. Nothing in this Act shall exempt the Company or any company to which powers are by this Act granted or the railways of the Company or of any other 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 which the Company and any company to which powers are by this Act granted are authorised to take. Provision as to general Railway Acts.

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

A.D. 1896.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Parish and County.	Nos. on the deposited Plans referred to in the Extension to London Act 1893 (Railway No. 8).
Parish of St. Marylebone county of London.	920 921 922 923 924 925 926 927 928 929 930 931 932 933 1007 1008 1009 1010 1011 1012 1013 1015 1016 1017 1018 1019 1020 1021 1022 1024.

THE SECOND SCHEDULE.

PARISHES IN WHICH THE SUPERFLUOUS LANDS OF THE CHESHIRE LINES COMMITTEE ARE SITUATE.

LANCASHIRE.

Manchester.
Eccles.
Flixton.
Warrington.
Prescot.
Childwall.
Toxteth Park.
Liverpool.
Walton-on-the-Hill.
Sefton.

CHESHIRE.

Mottram-in-Longdendale.
Stockport.
Cheadle.
Bowdon.
Mobberley.
Knutsford.
Great Budworth.
Weaverham.
Delamere.
Over.
Whitegate.
Tarvin.
Frodsham.
Thornton-in-the-Moors.
Barrow.
Plemstall.
Wallasey.
St. Oswald.

COUNTY OF THE CITY OF CHESTER.

St. Oswald.

THE THIRD SCHEDULE.

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PARISHES IN WHICH THE SUPERFLUOUS LANDS OF THE SHEFFIELD AND
MIDLAND COMMITTEE ARE SITUATE.

DERBYSHIRE.	CHESHIRE.	LANCASHIRE.
Glossop.	Stockport. Mottram-in-Longdendale.	Manchester. Prescot. Childwall. Liverpool. Walton-on-the-Hill.

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